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**Minutes of the Commission Meeting
Held on August 7, 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) | - 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) | - Brian Smith (A-West Tisbury) |
| P Fred Hancock (E-West Tisbury) | P James Vercruysse (A-Aquinnah) |
| P Leonard Jason (A-County) | |
| - James Joyce (A-Edgartown) | |

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Priscilla Leclerc (Transportation Planner), Sheri Caseau (Water Resource Planner).

Chairman Fred Hancock called the meeting to order at 7:10 p.m.

1. MINUTES

Commissioners Present: C. Brown, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, K. Newman, D. Sederholm, L. Sibley, J. Vercruysse

Josh Goldstein moved and it was duly seconded to approve the minutes of July 10, 2014 as written. Voice vote. In favor: 10. Opposed: 0. Abstentions: 2. The motion passed.

Josh Goldstein moved and it was duly seconded to approve the minutes of July 17, 2014 with corrections as noted by Erik Hammarlund to revise the language on line 392 and replace the word "and" with a comma and by Fred Hancock to add a comma on line 200 after Neal Sullivan. Voice vote. In favor: 7. Opposed : 0. Abstentions: 3. The motion passed.

2. NEW BUSINESS

Commissioners Present: C. Brown, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, K. Newman, D. Sederholm, L. Sibley, J. Vercruysse

2.1 Scheduling

Fred Hancock, Chairman inquired if a quorum would be available for Deliberation and Decision for the Nova Vida Alliance Church expansion next Thursday if the Public Hearing was closed at today's meeting. It was determined a quorum would not be available and Deliberation and Decision could be scheduled for September 18, 2014.

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

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

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

Linda Sibley, Public Hearing Officer, opened the continued Public Hearing at 7:15 p.m.

3.1 Staff Report

Mark London presented the following:

- The Staff Report has been slightly revised.
- The applicant has provided a revised landscape plan that shows all existing trees, indicating which are to be retained and which will be removed.
 - MVC staff prepared additional comments on the proposed new curb cut on the Edgartown-Vineyard Haven Road and closing the existing curb cut on Ryan's Way, including comments from the MVC Senior Transportation Planner on potential traffic impacts.
 - In conformance with the DCPC Guidelines, the Town of Oak Bluffs Zoning By-Laws (Island Roads DCPC Section XVIII.1.B.5.b) prohibits a new curb cut on roads in the Island Road DCPC within 1,000 feet of an existing curb cut unless it is the only access to the property. However, this by-law also gives the Zoning Board of Appeals the right to issue a special permit for a curb cut within 1,000 feet of an existing one. In 1975, the Commission found that the Oak Bluffs regulations including this exception were in conformance with the DCPC guidelines.
 - There is some question as to whether there are any restrictions on the ZBA's discretion to grant these exceptions. Courts generally defer to a board's interpretation of its own regulations.
 - The Town's Roads and Byways Committee "approved" this new curb cut but did not have the authority to do so.
 - Irrespective of what the ZBA does, the MVC can condition a possible DRI approval to restrict or deny this curb cut.
 - The adjacent property is owned by the Church of Latter Day Saints (LDS) who had started discussions with the MVC several years ago about building a church, but has not pursued this intention and apparently has no plans to do so in the near future.
 - The LDS property could be developed in a way that doesn't require referral to the MVC, such as a nine lot subdivision or a nine unit housing development, in which

case the Commission would not be in a position to require they use the shared access. In that case, there could end up being two new curb cuts, one for Alliance Church and one for the LDS property.

- One of the main reasons for limiting curb cuts on the main Island roads, in general and in this particular case, is to limit their impacts on traffic. Each T-intersection, access point, or curb cut to land along a typical two lane roadway introduces nine new conflict points in the vehicular travel paths. The conflict points were reviewed. Adding this curb cut and closing the one on Ryan's Way would displace but not significantly change any congestion related to this project. It would mean that residents would be less affected by delay on Ryan's Way caused by vehicles turning onto the Edgartown-Vineyard Haven Road, especially for the few minutes three times a week right after church services. However, this would be to the detriment of traffic on the main road.
- The other main reason for limiting the number and spacing of curb cuts on the Island's main roads relates to the protection of the Vineyard's character, which has an important impact on the Island's economy. In most of the United States, strip development in formerly rural areas, with lots facing main roads each with their own curb cut, has totally altered the character of those places. Martha's Vineyard has avoided this largely because of the Island Road DCPC's limitation on curb cuts which requires vehicular access to be from side or rear roads whenever possible.
- If the Commission approved the application for the church expansion, it may wish to consider the following options with respect to the proposed new curb cut on the Edgartown-Vineyard Haven Road. In all cases, since it is subject to approval of the Oak Bluffs ZBA, the approval should be based on the existing curb cut on Ryan's Way, with a proviso that it be allowed to be moved if the ZBA approved the change.
 - o Allow the new curb cut now; this could result in two curb cuts because potential future development of the LDS property may not trigger review by the MVC.
 - o Allow the new curb cut now only if the LDS Church signs a binding agreement that they would share the curb cut if and when they or others develop the property in the future. This means there could never be more than one curb cut for the two properties.
 - o Allow the new curb cut only when the LDS property is developed and provided the curb cut is shared. This means there couldn't be more than one new curb cut and there may be none if the LDS property is never developed.
- In order to meet the MVC Water Quality 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, based on water use of 127,750 gals/year, would meet the Policy with a loading of 16.97 kg/yr.
- New correspondence has been received from the applicant and the public. An email was received dated August 5, 2014 from counsel Rosemarie Haigazian requesting an extension of the September 11, 2014 deadline by which the applicant is to begin construction of the previously approved DRI (603) project for this property. A letter was

received dated August 6, 2014 from Rev. Thomas Flanders, Alliance New England District Superintendent, responding to comments from the July 10, 2014 hearing and requesting approval of the project without further delay.

- Photos were reviewed of the property that indicated the ridge height of the end of the new building via a story pole and the berm and screening along Ryan's Way. The new plan was reviewed showing which trees would be retained and which would be removed.

There was a discussion about the curb cut.

- **Leonard Jason** asked if the MVC is saying that the applicant is not allowed a curb cut along the Edgartown-Vineyard Haven Road and does the applicant have another means of egress. He questioned whether the applicant would be eligible for another curb cut off the Edgartown-Vineyard Haven Road based on the DCPC 1,000 foot regulation.
- **Linda Sibley** said it is not fully clear what the by-law allows and it is a topic for discussion at later time.

3.2 Applicant's Presentation

Rosemarie Haigazian presented the following.

- Erik Hammarlund had questioned the church's having events in the existing building. Pastor Carvalho went to the Town Building Inspector who gave him permission to do so.
- The Building Inspector also told her to go to the Byways Committee regarding a new curb cut and that committee voted and approved the new curb cut. She only heard that this procedure was questionable when informed by Mr. Foley.
- The idea of a new curb cut was a result of hearing from the abutters and wanting to minimize the impact and disturbance on Ryan's Way. The church services are held on Wednesday and Sunday nights which is not a busy time on the Edgartown-Vineyard Haven Road.
- One of the plans for the apartment on the second floor had shown a fourth bedroom. She clarified that the apartment is three bedrooms for a church employee and his or her family. It is for someone working for the church and is not a parsonage.
- Two plans have been submitted, one with the new curb cut and one without the new curb cut, since it is not known what the outcome will be for the curb cut.

Valci Carvalho (son) reviewed a 3D virtual presentation of the proposed project.

- The landscape plan was reviewed showing what trees will remain and removed.
- The next door neighbors had a concern about the fence that was put up earlier to prevent headlights going into their house. The existing fence blocks the neighbor's view to the street and a four foot fence seems to be agreeable to the neighbor as a resolution.
- A view of the proposed building was shown from Ryan's Way as well as from the entrance to Ryan's Way.
- The view of the property from the Edgartown-Vineyard Haven Road has a denser buffer of trees.
- It was clarified that the driveway will be gravel and not asphalt as it appears in the 3D virtual presentation.
- The small building shown next to the existing building is the existing shed.

3.3 Public Testimony

Jeffrey Younger said he flew in for the meeting. He is a professor at NYU and a resident of Oak Bluffs. He supports freedom of speech and supports churches but not the massive scale of the building. The building feels out of scale to the neighborhood. He went and looked at the Assembly of God Church that is down the street. That church is 5,000 square feet with 100 parishioners and it is huge. He understood that the applicant has thirty five parishioners and is working towards the goal of "if we build they will come". He is in support of churches but this project doesn't fit the neighborhood.

Anthony Capelli is an abutter to the property. He said he knows we don't live in a perfect world and this project has been compromised so many times that it cannot possibly succeed. The applicant has restrictions that are not obtainable and will not be able to be met. Based on past issues, the applicant needs to be monitored for compliance.

Linda Sibley noted that testimony cannot be made about individual people. The hearing is about the project and the MVC will ignore comments about individuals.

Anthony Capelli stated he will continue to give testimony but did redirect his comments towards the project. Concise ways need to be developed to be able to do this project and in eight and a half years the MVC has not been able to do that. A height pole was guaranteed to be erected and it has not been done. Modifications are still coming up that are not clearly and concisely defined. People in the Town do not have decibel meters so how can the sound from the project be controlled?

Linda Sibley suggested that Anthony Capelli present a written list of the specific issues he is concerned with.

Russell Wendt asked if the MVC would be making a decision tonight. **Linda Sibley** said there would be a substantial period of time for written comments and Deliberation and Decision might be scheduled for September 18, 2014.

Rev. Pablo DaRosa said he supports the church.

Preston Abel said the proposed project is too big for a residential neighborhood. Ryan's Way has ten year-round residents and the project will ruin the community.

Kris Chvatal apologized if he falters as he was just released from the hospital after surgery. He submitted a recap of his testimony for the written record along with a comparison entitled "Is it Better and Necessary"?

- The area along the corridor from the roundabout to Ryan's Way is an area that could be rezoned for light industrial. No one really knows what is going on in that area, there is a rental business, a funeral home, and the YMCA. The MVC has done a really good job in Oak Bluffs to help settle things in that corridor. The MVC did a good job assisting with projects such as the MVTV and the Assembly of God Church. The MVC has the foundation of the Island Plan to help settle this area and particularly under Chapter 6.
- The proposed building is so out of scale. It is a 70% increase in gross area. The proposed building is 1,500 square feet larger than the Reliable Market. The proposed building has 9,200 gross feet of living area which is twice the amount of the housing on Ryan's Way.

The average gross living area for the buildings on the Edgartown-Vineyard Haven Road is 3,000 square feet and the proposed project is triple of that.

- There are issues with compliance to the land use guidelines. In a previous meeting a gentleman said the proposed building looks like another Cash and Carry and he was right. The community wants to be able to drive down the Edgartown-Vineyard Haven Road and know they are on the Island. The screening on the Assembly of God Church is not adequate.
- The Edgartown-Vineyard Haven Road is a good example of mission creep. At the end of twenty years there is something completely different than what started out and that is what appears to be happening on this road.
- He is concerned about the noise and the approved plan does provide enough resolution for the noise. Due to the lack of in-house expertise, the MVC does not handle noise well. Enthusiastic religious music is not ambient noise. The neighbors want to be able to enjoy their front porches. The proposed project recommendations from the sound engineer to control noise include using one inch thick glass, use the air conditioning when the music is being played, and to use the front door. There is no mention about frequency which is a big problem with this project. His porch is 1,000 feet away from the Assembly of God Church and he can hear the bass noises and the proposed church will only be 200 feet away from his porch. Right now he has to close his children's bedroom windows at night due to the noise. He would like to have the sound engineer back for the public hearing.
- The modification should be proven better and necessary. He reviewed his handout entitled "Is it Better and Necessary?" which looks at the 2008 Decision and compares that Decision to the current offers to see what the modification actually is. There is no change in the congregational seating, the first floor is approximately the same size, there is no change to the landscape plan, kitchen use, energy and noise except the winter time services will end at 8:00 p.m. instead of 9:00 p.m. There is no change in the community room but there is a small change in the use restrictions. The traffic and access is to be determined and that is unfair to have it aspirational rather than concrete. Wastewater is not noted on the comparison due to the grandfathering limits. To show the magnitude and the scale of the project, with regards to size, Kris Chvatal used the MVC meeting room as a comparison. He would have to be convinced that a congregation of half the size of the Assembly of God Church needs a space twice the size.

Pablo DaRosa is the assistant pastor at the church and lives at the church. He does not understand what the public is talking about when talking about the other church. That is not their church. To him it sounds like discrimination from the neighbors and the MVC. If the project was for a Jewish or Hindu place of worship, you would not have this but they do because they are Brazilians. He has come to every meeting for two years and has heard the same thing and no solutions. He is surprised. There is too much talk and no resolution and he does not see the point. For him this is discrimination. He thanked the MVC for its efforts.

Russell Wendt is a resident of Ryan's Way. He has some new points to make as well as some redundant points.

- He is extremely disappointed in the site visit as it was only attended by one of twelve Commissioners. How can the Commissioners make a decision without a site visit? The neighbors were not greeted properly at the site visit and the public was invited. A 3D

presentation does not accurately represent what would be seen at a site visit. He guarantees that no one at the meeting tonight has been in the basement or on the first or second floor of the existing building. The people of Ryan's Way would like to see the Commissioners on another site visit.

- The mass of the building will be 100% bigger.
- The applicant has not fulfilled his requirements. Plantings were never made and the fence was never completed on the Capelli border.
- Ryan's Way is a private road and is not an Oak Bluffs town road. The MVC is putting a burden on the residents and the road association with this project as the association splits the cost of the road maintenance. Every person who lives on Ryan's Way has to go past the existing building and will have to go past the proposed building. The story pole is at 22 feet and there are approximately twelve 44 foot trees coming down. The people living on Ryan's Way are concerned about the buffer for the neighborhood, not just the one on the Edgartown-Vineyard Haven Road.
- The Church of Latter Day Saints is R-3 Zoning so houses could be put up on that property and the rights are there to do so.
- He has watched many MVC meetings on TV and has attended many meetings and the wastewater is grandfathered and he does not understand what is allowed for this project with regards to wastewater versus how other projects have been handled such as Lagoon Ridge.
- The neighbors are getting frustrated. The applicant does not play by the rules here or on the street as neighbors.
- Since the 2008 Decision, an engineering drawing has not been seen to show what will be done with the building. Will the building hold 150 persons? What about the sound? With Sam Dunn's project the public heard how the sound would be mitigated and that has not been heard with this project. Sam Dunn's project is a commercial property and the proposed project is in a residential neighborhood so the public deserves to hear about sound.
- The curb cut needs to be definitive; the project cannot be approved without knowing what the curb cut will be.

Valci Carvalho (son) addressed the sound issue. He noted that he likes noise and he plays the drums, but as part of his profession he knows and understands studies. What the sound engineer did was measure the music that was being played at the time in the Edgartown location and used those numbers for the proposed project. The study was not a guessing game. He was there when the sound engineer measured the sound. The proposed building has been repositioned and now the existing building shields the sound going into the neighborhood. There were more instruments when the sound study was done than there are today. The question is what is necessary for the church to operate. The project may not be ideal for some with regards to the size. The church has conceded to the measures asked for by the MVC. What needs to be asked is what is necessary for the church and not just looking at the size of the building.

Linda Sibley, Public Hearing Officer noted that it was mentioned that a sound study has been submitted. Items submitted for the public record for the previous hearing do not carry over for the current hearing process unless they are submitted again. This is also the case for prior public testimony and items submitted before July 10, 2014.

Rosemarie Haigazian said the applicant will submit the same sound study to the MVC and the applicant relies on the study.

Kris Chvatal thought an additional letter from the sound engineer would be needed stating the study is still applicable to the proposed project and the sound engineer should be at the MVC meetings to answer questions.

John Folino clarified that the engineering plans were submitted. The size of the sanctuary and the restrooms is 3,000 square feet and are positioned to reduce sound implications. The existing building has a different functionality than what is being proposed to be built. There has been a multitude of design changes.

Linda Sibley, Public Hearing Officer, reiterated that the MVC would not be considering what was presented prior to the current public hearing process.

Russell Wendt said in reference to the existing building, he has not seen engineering plans for the renovation of the existing building and that is what he was referring to. Also he has not seen plans with regards to the elimination of the elevator and the handicap accessibility.

Josh Goldstein noted that at previous meetings, the Oak Bluffs Building Inspector said a residence does not have to be A.D.A. accessible.

3.4 Applicant's Closing Comments

Valci Carvalho said he remained quiet even when being accused of everything, and now wants to say something.

- All of the time the church has played by the rules and did what was asked by the MVC. The mission of their lives is the ministry.
- The church has a budget of \$1,000,000 for this project in the bank and there are no financial problems.
- The big question is what the church needs. What the church has proposed is reasonable.
- The bowling alley is 13,000 square feet building in a downtown residential neighborhood and that project was approved by the MVC. The proposed project neighborhood is bigger than the neighborhood that the bowling alley is in.
- There is no buffer for the Masonic Lodge and the Assembly of God Church. No one can see the property for the proposed project and they have offered even more plantings.
- It is time to bring the approval process to an end.

Rosemarie Haigazian said the applicant has until September 11, 2014 for the 2008 Decision deadline and she wanted to bring that to the attention of the MVC. The applicant has taken every suggestion made to them seriously and everyone cannot be made happy all of the time. The applicant is doing the best they can; even with the new curb cut the neighbors are not happy and there is no way of knowing what the Church of Latter Day Saints (LDS) will be doing in the future with their property. The applicant is prepared to say to the MVC if the LDS wants to tie in to the curb cut that would be great but LDS may not want to and as Mark London stated the end result could be two curb cuts. She thanked the Commissioners for their time and for listening.

3.5 Scheduling

There was a discussion about the continuation of the public hearing and receipt of the sound study.

- **Linda Sibley**, Public Hearing Officer, suggested that the written testimony could be submitted by 5:00 p.m. on August 21, 2014 and LUPC could meet on September 8, 2014. She also noted that it seemed reasonable to have another site visit.
- **Trip Barnes, Leonard Jason, and Fred Hancock** noted that they did do individual site visits.
- **Linda Sibley** noted the rules of the site visit. Commissioners do not discuss and interact with each other and the public is not allowed to "bend the ears" of the Commissioners. The site visit is not a public hearing.
- **Christina Brown** said if the applicant re-submits the sound study then the public has the right to respond to the study.
- **Rosemarie Haigazian** said the applicant will submit the sound study quickly so the public can respond via written testimony.
- **Erik Hammarlund** noted that the MVC states information is to be submitted 72 hours in advance.
- **Linda Sibley** said that almost always never happens.
- **Erik Hammarlund** questioned how someone would be able to address something at Deliberation and Decision if it was not submitted in advance.
- **Linda Sibley** said if a real bombshell was delivered in written testimony, then the MVC could re-open the public hearing. She noted the MVC has a tight quorum on this proposal so Deliberation and Decision has to be scheduled when the Commissioners will be available. If the public hearing is left open there could be a potential quorum problem.
- **Erik Hammarlund** asked how the can MVC close the public hearing without the sound study.
- **Katherine Newman** asked why the MVC has to close the public hearing if it is not quite finished.
- **Fred Hancock** said the public hearing could extend another month because the next available meeting date is September 18, 2014 and LUPC would need to be after September 18, 2014.
- **Linda Sibley** said that would postpone the decision another month as well.
- **Mark London** suggested having the applicant submit the sound study and if something significant is submitted then the Hearing Officer can decide that the public hearing be re-opened.
- **Rosemarie Haigazian** read the summary of the sound study and noted the summary is part of the proposal and she would be happy to call the acoustical engineer to see if anything else is to be added.
- **Fred Hancock** asked if it is the document from the engineer that the MVC is looking for.
- **Mark London** said the MVC will post the acoustic report on the MVC website so people could look it over and see whether it is adequate.
- **Erik Hammarlund** wanted to know how the sound report is applicable to a different size and shaped building.
- **Linda Sibley** said the MVC could make a decision on if the acoustical engineer states the report is still applicable.
- **Doug Sederholm** said the MVC could also find that report is not credible and make a decision based on that.

- **Valci Carvalho** and **Rose Marie Haigazian** said the acoustical engineer may come back with less of an impact than previously due to how the building is now configured and the existing building buffers the sound.
- **Linda Sibley** took a poll of the Commissioners to see if the Public Hearing needs to be kept open to receive information about the sound study and for additional oral testimony. There was a significant feeling that the MVC should have the sound study and keep the hearing open.
- **Christina Brown** noted the sound study should be submitted at least 72 hours in advance of the public hearing.
- **Katherine Newman** clarified the MVC needs the information in the report as well as to see if it is still applicable to the proposed project.
- **Mark London** raised the possibility of continuing the hearing until September 4, primarily to see if there is any follow up to the acoustic study. This would allow Deliberation and Decision to take place as planned on September 18.

Linda Sibley, Public Hearing Officer continued the public hearing until September 4, 2014.

3.6 Extension of Approved DRI

Fred Hancock said the deadline for the current DRI is September 11, 2014 and the applicant has asked to extend the approval.

There was a discussion about extending the deadline.

- **Josh Goldstein** asked if the MVC denies the request to extend the DRI deadline does that request deactivate the proposal the applicant has presented. If the previous approval is null and void, does it render the modification null and void as well?
- **Fred Hancock** said current proposal was a modification of the approval. If the modification is not approved then the applicant has the right to build the church as approved in 2008.
- **Josh Goldstein** asked about how the extension would affect the allowed nitrogen load.
- **Linda Sibley** said the previous wastewater use was grandfathered.

Leonard Jason moved and it was duly seconded to extend the approval period for three months from the expiration date of September 11, 2014 and reserve the right to extend an additional three months if needed. Roll call vote. In favor: T. Barnes, C. Barnes, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, K. Newman, D. Sederholm, L. Sibley, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.

4. MVTV PARTIAL PAVEMENT (DRI-635-m3) MODIFICATION REVIEW

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

For the Applicant: Ann Lemenager, Steve Warriner

Linda Sibley, LUPC Chairman said LUPC did not meet on the modification. Working with Paul Foley, she felt that the modification was straight forward enough to go directly to the Commission.

Ann Lemenager presented the following:

- The driveway has been scraped bare.
- The proposal is to pave the first part of the driveway, about 99 feet long and an average width of 15 feet plus the paver apron.

Doug Sederholm asked where the rainwater will go. **Steve Warriner** said it will run towards the trees and stays on the property. **Leonard Jason** added the rainwater will leach onto the MVTV property.

Erik Hammarlund moved and it was duly seconded that the modification is not significant enough to require a public hearing. Voice vote. In favor: 10. Opposed: 0. Abstentions: 0. The motion passed.

Erik Hammarlund moved and it was duly seconded to approve the modification as submitted so long as all rainwater drains onto the MVTV property.

- **Steve Warriner** noted that the existing pavers will be kept.
- **Josh Goldstein** amended the motion to pave the driveway up to 110 feet.
- **Doug Sederholm** amended the motion to include with the apron as submitted.

Erik Hammarlund amended his motion and it was duly seconded to approve the modification as submitted, with paving the driveway up to 110 feet with the apron as submitted and so long as the rainwater drains onto the MVTV property. Roll call vote. In favor: T. Barnes, C. Brown, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, K. Newman, D. Sederholm, L. Sibley, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.

5. PRESENTATION ON GAY HEAD LIGHTHOUSE

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

5.1 Presentation

Peter Temple said he is joined by Len Butler, chairman of the Relocation Committee to Save the Gay Head Lighthouse, Jim Newman, and Beverly Wright. This is a complex process to relocate the lighthouse. The Town of Aquinnah does not own the lighthouse at this point in time. Len Butler will give a brief informational presentation of the process. The project has been publicly announced for over one year. CPA funds from all of the towns are being used to help pay for the relocation. At this time there is no discretionary referral to the MVC for this project.

Len Butler presented the following.

- The Gay Head Lighthouse was the first lighthouse on the Island.
- The lighthouse was first built in 1799 and was moved 75 feet inland in 1840 due to erosion.
- In 1852, an Act of Congress was issued to build a masonry structure to house the first Fresnel lens, which was an important aid to navigation.
- The lighthouse is an important navigational aid to the East Coast and will continue to be operated by the Coast Guard. 30,000 to 80,000 ships pass through the waters guided by the lighthouse.
- The lighthouse is very much a part of the Island and the Wampanoag tribe heritage.

- The lighthouse is currently 46 feet from the edge of the bluff. The engineers said a minimum of 40 feet is needed to safely do excavation around the lighthouse. The erosion rate is at two feet per year. So the community has two years on the outside to safely move the lighthouse.
- A three year study of plots of erosion was done by George Sourati.
- The Coast Guard has no interest in moving the lighthouse, so the town has applied for ownership so it can be moved and saved.
- An application has been submitted to the National Park Service and will be passed onto the Department of the Interior for the final say.
- Hopefully there will be new ownership of the lighthouse by the spring 2015.
- The Aquinnah Board of Selectmen appointed a committee to determine relocation sites and for fund raising.
- Four potential relocation sites were identified.
- Relocation Criteria.
 - Suitability - Navigation Aid Status: Does it have the elevation and required visibility at sea to qualify?
 - Sensibility - Aesthetic Quality: Does it look like a place where a lighthouse would be located?
 - Sustainability - Life Expectancy: Does the geology predict security from erosion for 80 to 100 years?
 - Accessibility - Easy Access: Is it accessible for both the public (because it is part of the National Park Service) and the moving equipment?
- Geotechnical borings were done to determine the sustainability of the sites. Drillings that were 20 to 40 feet deep and core samples were collected. The core samples were analyzed by Byron Stone of the U.S. Geology Center and he can advise the committee free of charge.
- After lengthy investigations, site 1 best satisfies all of the criteria. This is also the preferred site of the National Park Service, the Wampanoag Tribe and the Mass Historical Commission because it would be less impactful to the environment and natural vegetation of the Cliff Area and may be less sensitive archaeologically. That site is now town-owned property. Byron Stone sent a letter to the Relocation Committee stating that he agreed with the committee's site choice.
- The selected site requires moving the lighthouse 135 feet.
- Two archaeological surveys have been done but a full intensive archaeological scrape will need to be done of the move path and the site prior to relocation of the lighthouse.
- The overall cost of the relocation to this site would be approximately \$900,000 less than other alternative sites.
- The lighthouse is a National Historic Landmark so it falls under the Lighthouse Protection Act.
- The plan details and the old foundation site were reviewed.

Erik Hammarlund asked how the lighthouse will be moved. **Len Butler** said it will be excavated with steel travel beams on rollers and lifted hydraulically. A pre-engineering process has been started which required a license from the Coast Guard and a landscape and site plan will be filed with the National Park Service.

Fred Hancock said there was a fairly large keepers cottage on the property and wondered if there is still a foundation. **Len Butler** said there is a partial foundation and PAL will be there reviewing the site. No cultural artifacts have been found.

5.2 MVC Project Review

Peter Temple presented the following:

- He has talked with Mark London and Paul Foley. The proposal is to deal with a pre-existing condition of an historic structure, with no alterations to the structure.
- There do not appear to be any DRI triggers.
- The only possible trigger may be archaeological. In Aquinnah there is an archaeological by-law and, if there is a resource, it would require a review.
- The Tribe has agreed to relocate any found burial remains and if there are any cultural findings they will also be preserved.
- The Mass Historic Commission, the Wampanoag Tribe and the National Park Service all favored site 1 for archaeological reasons.
- The scope of work for the relocation will meet the Cliffs DCPC.
- If there was to be MVC review, the relocation committee would rather get through a DRI process now, rather later when it could hold up the construction.
- The project will be reviewed next week under the archaeological by-law. There will not be a vote on a Special Permit but the review will allow the Relocation Committee to move forward with permitting. Then, if needed, the project could be referred to the MVC with concurrence.

James Vercruysse said it has been mentioned about closing the circle during excavation and asked for clarification and how that will affect the bus routes. **Len Butler** said a section of the circle would be closed in the spring and fall, and not during the summer months. There would be no impact on the tourist economies. The circle will be accessible and the bus stop would not be affected.

Leonard Jason felt the Town of Aquinnah had the project well under control.

There was a discussion about reviewing the lighthouse relocation as a DRI.

- **Erik Hammarlund** asked if the Town of Aquinnah could do a quick summary to the MVC with regards to the project being a DRI.
- **Peter Temple** agreed and repeated that now is the time for the MVC to go through the project rather than later.
- **Fred Hancock** wondered if the MVC needed to go through that exercise.
- **Linda Sibley** noted that Peter Temple explained that if there is archaeological significance, the Town will have to go to the MVC, but if there isn't, it is a no brainer and the MVC could send it back to the town.
- **Erik Hammarlund** said with the list of state agencies and a summary from the Town, the MVC could easily turn the project back to the Town.
- **Peter Temple** said the Town would rather do a referral now rather than when the test borings are being done.
- **James Vercruysse** asked if the relocation meets the setbacks.
- **Peter Temple** confirmed that it does.

- **Mark London** asked about the visual impact of relocating the lighthouse close to and behind several private buildings and wondered if the Town would address that, perhaps with landscaping.
- **Katherine Newman** noted that she is a member of the Relocation Committee and there will be a site visit with the local people.

Fred Hancock, Chairman thanked Peter Temple and Len Butler for their presentation to the MVC.

Erik Hammarlund recused himself from the meeting.

6. ISLAND HOUSING TRUST WATER STREET APARTMENTS (DRI-647) WRITTEN DECISION

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

Doug Sederholm suggested amending the language for line 188 to read as follows; The Commission finds that the proposal provides six housing units for income-qualified residents earning no more than 80% of the area median income.

Linda Sibley moved and it was duly seconded to approve the written decision as modified and amended by Doug Sederholm.

- **Christina Brown** noted the date needed to be revised on line 77 to July 17, 2014 and on line 279 to delete "and trim".
- **Trip Barnes** expressed his concern for the proposal not being reviewed to add additional units to the project.

Roll call vote. In favor: C. Brown, M. Fisher, J. Goldstein, F. Hancock, K. Newman, D. Sederholm, L. Sibley, J. Vercruysse. Opposed: T. Barnes. Abstentions: L. Jason. The motion passed.

Doug Sederholm stated how much he admired Trip Barnes' stand on this project.

Trip Barnes said this cannot happen again; for the same bang for the buck there could have been more units and affordable housing is needed.

The meeting was adjourned at 9:50 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, Held on July 10, 2014
- Minutes of the Commission Meeting – Draft, Held on July 17, 2014
- DRI #603-M4 Nova Vida/Alliance Church Expansion (2) MVC Staff Report – August 6, 2014
- Memo to the Martha's Vineyard Commission, Dated August 6, 2014, Nova Vida Alliance Church Expansion (DRI 603-M4), MVC Staff Comments on Proposed New Curb Cut on the Edgartown Vineyard Haven Road
- Alliance Church 1 Ryan's Way, Oak Bluffs, Floor Plans, Elevations and Site Plans

- Letter to the Martha's Vineyard Commission Dated August 6, 2014 from Reverend Thomas Flanders, New England District Superintendent of the Christian & Missionary Alliance
- Is it Better and Necessary?, submitted by Kris Chvatal Dated August 7, 2014
- Site Plan for Proposed Section of MVTV Driveway to be Paved with Asphalt, Dated August 7, 2014
- Gay Head Light Relocation Project Informational Presentation for the Martha's Vineyard Commission, Dated August 7, 2014
- Draft Decision of the Martha's Vineyard Commission, DRI 647 – I.H.T. Water Street Apartments
- DRI 647 – I.H.T. Water Street Apartments, Corrections to Written Decision, Dated August 7, 2014


Chairman

9-18-14
Date


Clerk-Treasurer

9/22/14
Date