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Minutes of the Commission Meeting Held on April 25, 2019 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

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

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| - Gail Barmakian (A-Oak Bluffs) | P Michael Kim (A-Governor; non-voting) |
| P Trip Barnes (E-Tisbury) | P Joan Malkin (A-Chilmark) |
| P Leon Brathwaite (A-County) | P Katherine Newman (A-Aquinnah) |
| P Christina Brown (E-Edgartown) | P Ben Robinson (A-Tisbury) |
| - Peter Connell (A-Governor; non-voting) | P Doug Sederholm (E-West Tisbury) |
| P Robert Doyle (E-Chilmark) | P Linda Sibley (E-West Tisbury) |
| - Josh Goldstein (E-Tisbury) | P Ernie Thomas (A-West Tisbury) |
| P Fred Hancock (E-Oak Bluffs) | P Richard Toole (E-Oak Bluffs) |
| P James Joyce (A-Edgartown) | - James Vercruysse (E-Aquinnah) |

Staff: Adam Turner (Executive Director), Bill Veno (Senior Planner), Sheri Caseau (Water Resources Planner), Jo-Ann Taylor (Coastal Planner, DCPC Coordinator).

Chairman Doug Sederholm called the meeting to order at 7:00 p.m.

1. EXECUTIVE DIRECTOR'S REPORT

Commissioners Present: T. Barnes, L. Brathwaite, C. Brown, R. Doyle, F. Hancock, J. Joyce, M. Kim, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole.

Adam Turner presented the following.

- Paul Foley the MVC DRI Planner has accepted a position in Fairhaven, MA as a Director of Planning and Community Development. He was at the MVC for 15 years and contributed to our culture and DRI processes. He was very thorough and comprehensive and his work was very well done. He had a vast knowledge of the history of the buildings on the Island and his contributions were unique and very special. He contributed quite a lot to the MVC and we will miss his work.
 - **James Joyce** asked if a letter of recommendation was given to him.
 - **Adam Turner** said he did write him a letter.
 - **Leon Brathwaite** suggested a plaque be done for his work and contributions.
- The Wastewater Policy and the Housing Policy are both great works and will be reviewed soon. We are also reviewing the DRI Checklist this year starting in May.
- We are making a booklet for the Island Plan starting with a planning meeting in May and then we will be back in the fall with it.

2. 20TH ANNIVERSARY TOWN OF AQUINNAH DCPC-ARCHAEOLOGY PROTECTION FROM REVIEW REQUIREMENT

Commissioners Present: T. Barnes, L. Brathwaite, C. Brown, R. Doyle, F. Hancock, J. Joyce, M. Kim, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole.

2.1 Presentation

Peter Temple presented the following.

- It is the 20th anniversary of the town wide DCPC and we have been conducting a review of our bylaw for the past year to see what can be done and improved.
- What came through was our archeological bylaw in regards to the buying and developing of land.
- We asked Holly Herbster to put together a presentation to understand the bylaw and what came out of the survey. This is not public information but thought it was important for the MVC to have an overview of what has been done.
- It may help the MVC with their DRI review.
- The operation of the bylaw is in partnership with Mass Historic and the Tribe.
- Holly is with PAL and a principal investigator and did over 100 surveys on the Island.

Holly Herbster presented the following.

- She is presenting a review of how archeology started on the Vineyard.
- In the early 1900s some archeologists from Harvard were drawn to the Island. It was an academic pursuit and brought attention to the site. In the 1940s more investigation was done and then William Richie came in the 1960s and excavated several sites on the Island from Vineyard Haven to Squibnocket.
- A map of present day archeological sites was reviewed. The majority of the sites are in Aquinnah and were done under the bylaw.
- Concentration is in Aquinnah; 122 reviews are on the Island and 51 are in Aquinnah.
- Approximately 20 archeological surveys were done as part of the MVC DRI review and less than 10 are Federal review.
- We have gotten good information from the town archeological surveys. 50 % were funded by the MVC and 50% by the Mass Historic Commission (MHC).
- The result of the survey process in each town was broad scale survey maps to give basic background information and sources that may have archeological information. This is not public information. It is important to share the information but we can't share the specific site information. These provide a general idea of archeological deposits.
- Aquinnah was the most recent survey in 2002 and Vineyard Haven did not have one done. The surveys were done prior to the general use of GIS mapping.
- What makes the archeology so unique in Aquinnah?
 - There is at least 10,000 years of occupation.
 - Plowing/land disturbance is limited so you have high site preservation.
 - The land is not divided into individual parcels until the 1860s. Many original property lines and bounds are still in place.
 - There were no non-native residents until the turn of the 20th century.
 - The Aquinnah Wampanoag tribal members are direct descendants of the earliest inhabitants.
 - It is the only Island town with a comprehensive bylaw requiring preconstruction ground disturbance archeological review.
- In the 1990s PAL was contacted to start collecting information for the Tribe to review and to locate and document sensitive sites.
- The bylaw review process is overseen by the Planning Board and determination of significance is made in consultation with MHC and the Wampanoag Tribe and the Aquinnah tribal historic preservation office.
- MHC provides written recommendations and concurrences to the APB.

- The process.
 - Project notification forms (PNF) are submitted to MHC with recommendations within 30 days after.
 - The state site files are checked for known sites and there is a review of past and current land use.
 - The survey is requested when there are recorded sites, well drained elevated areas with access to wetlands and maps or documentary records.
 - There are instances when surveys may not be requested.
 - Surveys are completed by a professional archeologist with demonstrated experience in the Northeast, has the ability to use acceptable field methods, writes technical reports and meets MHC standards.
 - Once the survey is complete and the permit is received the archeological process can be started.
 - MHC reviews the report and in Aquinnah the Planning Board does not sign off until they receive that report.
- Massachusetts has a statewide unmarked burial law. If any remains are found you are required to stop and notify, typically the State Police, and then a series of procedures are to be followed.
- Aquinnah Bylaw Statistics 2001-2018.
 - 312 applications were submitted. 25% did not require MHC notification.
 - 240 PNF were submitted to MHC.
 - 51 intensive surveys were completed.
 - 43 of the 51 surveys (84%) have resulted in identification.
 - 37 of the 41 identified sites (86%) were not recommended.
 - 7 of the 51 projects identified significant sites and needed to do additional archeological investigation.
 - 1 of the 51 projects (less than 1 %) could not be avoided and required data recovery.
- A map of the Aquinnah archeological sites was shown. Concentration of the sites is in the historic South Road area.
- Some of the information that has come out of the surveys included information about the tribal history and includes a wide variety of stone tools and pottery shards.
- It was shown how GIS mapping allows you to review historic plot plans and maps to current assessor maps.

2.2 Discussion

Bettina Washington of the Wampanoag Tribe said that the Aquinnah bylaw has worked well and our families have an ancient history and this has allowed us to gather that information. The Tribe is not big archeologists because it means we are moving and disturbing but we appreciate this work as it provides us with this history. On the Island we have had lots of sites come up due to building going on and not due to PNF. In the past when houses were built we did not have these protections so the knowledge was not passed on. It is important and fair to pass on how do we gather and do archeology. This is a way we can work together and preserve and protect. It is rare that a project is denied and can't be built but we need to gather the information. Top priority for us is burial sites. It is important that we can work with Aquinnah to get preservation on grave sites from the 1600s and a lot of people don't realize they are on their property. Thank you for allowing us to bring such an important topic to your attention.

Linda Sibley asked if the information from the reports in the 1930s was preserved. **Holly Herbster** said in the Guernsey Report the sites were recorded but unfortunately the sites were looted. They were hoping to find special objects but the sites were not preserved.

Linda Sibley asked how you date old tools. **Holly Herbster** said stone tools can be dated by their form such as long broad spear points are older. They can be identified in a way similar to identifying period clothing.

Randy Jardin of the Wampanoag Tribe thanked everyone for listening and hopes everyone can work together to get things done.

Adam Turner said it is a DRI requirement and we have had significant finds. He thanked PAL and the Tribe for doing our work. We need to be more vigilant. It is part of the Vineyard culture and history and is important.

Peter Temple said the density in Aquinnah is significant as compared to the rest of the Island.

Doug Sederholm said that Aquinnah has made greater use of its DCPC than any other town and it exemplifies what the MVC is about to protect the Island. He applauds them for that.

Katherine Newman thanked Peter Temple for all of his good work.

3. MEETING HOUSE PLACE SUBDIVISION-EDGARTOWN DRI 682 CONTINUED PUBLIC HEARING

Commissioners Present: T. Barnes, L. Brathwaite, C. Brown, R. Doyle, F. Hancock, J. Joyce, M. Kim, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole.

For the Applicant: Sean Murphy, Doug Hoehn, Doug Anderson

Richard Toole, Public Hearing Officer opened the Continued Public Hearing and read the Public Hearing Notice. The property is located at 139 Meeting House Way, Edgartown, Map 37, Lot 47. The Public Hearing Procedures were also read.

3.1 Staff Report

Adam Turner presented the following.

- This is a subdivision for 34 lots in Edgartown at Meshacket Road and Meeting House Road.
- The Open Space and Site Plan of Sample Homes maps were reviewed. They have been submitted by the applicant.
- The lots are in a cluster configuration.
- The watershed map for the Edgartown Great Pond was reviewed.
- There is a Special Way Trail that the applicant has said will not be blocked. It runs from Meshacket Road to Meeting House Way on the easterly side of the property.
- Planning issues have been identified and the applicant has provided answers to the issues and questions from the last Public Hearing.
- Planning issues include wastewater, NHESP habitat protection and traffic.

3.2 Applicants' Presentation

Sean Murphy presented the following.

- This is a 54.26 acre project in the R20 Zoning District. It is a 34 lot subdivision.
- It has moth habitat and 19.6 acres have deed restricted conservation.
- The lot size if from 1 acre to 2.6 acres but it is a half-acre zoning so the lots are larger than allowed.
- The maximum number of bedrooms per lot is five. No guest homes will be allowed to be built on any single family lot within the subdivision.
- Edgartown sent a letter accepting the affordable housing contribution. \$490,000 shall be paid upon receipt of all permits required for the subdivision. Additionally, for each lot sold by the applicant the applicant will pay an additional \$18,300 to the Edgartown Affordable Housing

Committee for a total of \$622,200 upon the sale of the 34 lots. Upon any sale subsequent to the original sale from the developer the seller shall pay a fee equal to 1% of the sale price to the Dukes County Regional Housing Authority or a similar agency as determined by the MVC.

- For nitrogen the applicant has agreed to a Net Zero project.
 - **Doug Sederholm** said do you have a proposal now to meet your nitrogen and have you run that by our consultant yet.
 - **Sean Murphy** said yes, we will be proposing a Permeable Reactive Barrier and we will be on town water and wells for irrigation and we have not yet run it by the consultant but that will be done.
 - **Linda Sibley** said how long will that take.
 - **Adam Turner** said it took a while to get a consultant and to get them up to speed on what we do and will do and we need to get the details. We need the plan and the Wastewater Commission has to accept. We all agree on the load number.
 - **Sean Murphy** said it will take a week. It will be done and we did not want to hold up the Public Hearing, so it will be done. We will take the whole 139 kg/yr and not just meet the MVC number of 79 kg/yr.
- The applicant has offered to install a Permeable Reactive Barrier to capture nitrogen in the groundwater as well as to sewer twelve adjacent properties on Hotchkiss Lane to achieve net negative nitrogen (more nitrogen is removed from the groundwater than is produced). We will work this out with the MVC staff on how to achieve.
- The total development envelopes and road layout equal 19.95 acres (36.71% of the property) leaving 34.39 acres of open space (63.29% of the property).
- The development envelopes average under one half acre in size or approximately 19,860 sf.
- The property is on town water and town wastewater which is stubbed into the property with access to Division Road. Sewer and water lines are installed in Division Road currently. Each lot is allowed a maximum of 5 bedrooms per lot.
- The Common Lot will be owned by the homeowners association and the only structure allowed on the Common Lot will be an unconditioned structure that may not be used for any recreational purposes and not greater than 900 sf for use by all owners as a common gathering area.
- An archeological study of the property has been completed and there are no impacts to the property. Confirmation of same from the Massachusetts Historical Commission has been sent to the MVC.
- The applicant will not block or restrict the path running from Meshacket Road to Meeting House Way on the easterly side of the property for pedestrian, equestrian or non-motorized bicycle use by the public.
- Questions were raised at the initial public hearing regarding the Northern Long Eared Bat. NHESP mapped this property in 2017 and did not identify it as habitat for this bat. Additionally the United States Fish and Wildlife Service has determined that creating habitats for this bat "could potentially increase the spread of white-nose syndrome".
- We have submitted to the MVC a detailed project description and summary of the proposed plan.

Doug Anderson presented the following.

- We will have asphalt roads and gravel drives. There will be strict covenants.
- We will put in the water and sewer lines to the edge of the property to be used by the Edgartown affordable housing project.

- The Permeable Reactive Barrier will be upsized and is not in our credits and mitigation. We will grab and clean up nitrogen coming from the landfill. We agree on the nitrogen loading and will agree to Net Zero. It is personally important to me and my partner and it is also a selling point.
- We will provide 12 sewer hookups for homes located on Hotchkiss Lane at our expense to remove a substantial nitrogen load generated by the septic systems from these homes. This will result in a major reduction of existing nitrogen polluting the Great Pond watershed and aquifer. We will provide sewer line connections and pumps for the new sewer connections eliminating existing septic pollutants of which some have or will inevitably fail.
 - **Ben Robinson** said have you talked to Edgartown about the flow with Hotchkiss Lane.
 - **Doug Anderson** said we examined all the test wells.
 - **Doug Hoehn** said we talked with Matt Poole and the Edgartown Water Department and they all approved.
 - **Doug Anderson** said we received a letter from Bill Chapman saying there would be no problems.
 - **Doug Hoehn** read what William Chapman said “there are no deficiencies with our operations... the study accommodates a 2035 buildout of Edgartown and the Mass DEP found no deficiencies in our operations and has no suggestions for our improvement”.
 - **Adam Turner** asked if they can get a letter from him.
 - **Doug Hoehn** said we have it in an email directly from him but we will ask him to put it in a letter.
- 64% of the site will be committed to permanently protected and preserved open space within the project. With our conservation agreement one neighbor can enforce against another neighbor.

Heather Monticup presented the following.

- The traffic impacts are minimal for residential traffic entering and exiting the subdivision. There are no significant or appreciable delays identified within the traffic reports and studies. We are in agreement with the MVC.
- There will be one additional trip every two minutes in the peak hour.
- Based on comments from the last meeting we did the alternative distribution of traffic. Going down Meshacket Road and Meeting House Way it is a good alternative distribution based on the comments we received and it has been submitted to the MVC.
- Because the subdivision has two exits, which is advantageous to mitigate traffic, the applicant has submitted the alternative trip distribution plan to more accurately depict the current conditions. The alternative trip distribution assumes 50% of the traffic entering and exiting from each entrance.
- Meeting House Way was paved and utility poles relocated since we did our traffic study.

Tad Schrantz presented the following

- There are three core goals that will be utilized to preserve and enhance the character and identity of Meeting House Place; be thoughtful to existing surroundings, create architecture that is an outgrowth of its environment and maintain a sense of community. Within these we reinforce our policies for the protection of the landscape and the size of the lots.
- We will use environmentally sound practices to maximize energy efficiency. We will meet or exceed Energy Star 3.1 Certification as allowed and defined in the Massachusetts Residential Code.
- Homes will use environmentally sensitive materials including locally sourced woods, naturally occurring products, recycled content material, low VOC and low odor paints and stains to maximize the environmental impact.

- We will use sustainable landscape practices including pervious driveways to allow for rainwater infiltration and the use of native low maintenance drought tolerant plant materials to minimize irrigation requirements.
- Regional Clean Water Guidelines for Fertilization will be required.

3.3 Commissioners' Questions

Ben Robinson asked how the square footage was calculated. It seemed like a convoluted way to come up with the square footage of the building. It becomes an advance calculation and something simple would be easier to understand. **Sean Murphy** said the maximum house size is 4,800 sf which is calculated using conditioned/livable space above ground. Living space is defined as the inside perimeter of all above ground, conditioned and enclosed areas that are suitable for year round use, including all closets, stairways and storage areas. If a garage is detached a 400 sf detached bedroom in conformance with the Edgartown Zoning Bylaws is allowed.

Fred Hancock said with a detached garage is the allowed bedroom above part of the five bedrooms. **Sean Murphy** said that is part of the total number of bedrooms. **Ben Robinson** said is that part of the 4,800 sf. **Sean Murphy** said it is in addition to the 4,800 sf.

There was a discussion about the conservation area.

- **Linda Sibley** asked why the conservation easement was done as it is. It would be easier if owners had lot lines. Why not a common lot?
- **Sean Murphy** said the idea was to have the lots a little longer. The homeowner association will enforce it and monitor and it is in the covenants. There will be some restrictions on all open space as NHESP will do on the moth habitat.
- **Linda Sibley** asked how the width of the wildlife corridors was decided. Do we have any independent evidence for them to function as wildlife corridors?
- **Ben Robinson** said one is 135 feet wide.
- **Doug Anderson** said they asked about that at NHESP.
- **Joan Malkin** said there are corridors outside the NHESP land.
- **Doug Anderson** said we did not say much about those but wanted the ability for the moths to fly from one end of the property to the other, so we did that.
- **Linda Sibley** said how do you know what width you need.
- **Doug Anderson** said it is quite large from 160 feet to 190 feet.
- **Ben Robinson** said what is the point to have all of the excess property that you cannot use.
- **Doug Anderson** said it is 16,000 – 19,000 feet. It is a minimum of 1 acre to 2.7 acres lot size and we found homeowners take great pride in managing a conservation easement. We want to protect all of it except the development envelope. He would be happy to sit down and go over it in detail. It is protection to be in place and independent reports would be done for enforcement.
- **Sean Murphy** said it would be enforced by NHESP and the homeowner association.
- **Doug Anderson** said it is checked every other year and there are fines.
- **Ben Robinson** said it ends up with fragmentation of open space. With a larger protected segregated lot it would be better.
- **Doug Anderson** said we are at 64% open space. We could gain back another 10% by pushing up against the road so we decided to push the development envelope back instead.
- **Sean Murphy** said with regards to the enforcement annual and semi-annual reports can be submitted to the MVC and the Town as well.
- **Doug Sederholm** said you would submit to LUPC for review.
- **Sean Murphy** said they would.
- **Ben Robinson** said you cannot get construction vehicles around the house.

- **Doug Anderson** said we looked at it carefully and it is workable.
- **Joan Malkin** said if not enforced would you force the homeowner association to do so.
- **Sean Murphy** said it is enforced by the homeowner association and we would submit to the MVC.
- **Doug Sederholm** said you would give the MVC enforcement power.
- **Sean Murphy** said they would.

There was a discussion about construction management.

- **Linda Sibley** said there was at least one case on the Island where landscapers left buffers and cleared carefully around but the contractors cleared the buffers. How do you prevent that?
- **Doug Anderson** said they would probably post a bond so if outside the development envelope they would have to replace the vegetation. We would do a tree survey around the perimeter.
- **Doug Hoehn** said with the development envelope there should be a construction zone.

There was a discussion about house size and density.

- **Adam Turner** asked if there is any thought about going smaller on the house size and have you looked at combining all of the pods on one side and cluster a little more and do meaningful open space.
- **Doug Anderson** said we did look at density and three to four different versions but it pushes everything together. After our market survey we felt it didn't meet the market. 33% of the site is outside the development envelope. We have reduced the footprint for disturbance.
- **Linda Sibley** asked where did you do the survey.
- **Doug Anderson** said with Island realtors.
- **Joan Malkin** said do you have actual results you can provide to us.
- **Doug Anderson** said they do have results.

Joan Malkin asked if the homes would be seasonal houses and if they were developing any of the lots.

Doug Anderson said it will be single family homes, no guest homes and some would be seasonal. We do not expect to be the builder of the homes.

Fred Hancock asked at what point the covenants would go to the homeowner association. **Sean Murphy** said the developer stays in a long time to make sure the covenants are enforced. It usually goes to the homeowner association once 80-90% of the homes are sold. **Doug Anderson** said they would maintain control through buildout.

Doug Sederholm asked if the covenants would be submitted before the close of the written record. He wants to see what the applicant has promised is there and the MVC can go at the applicant's pace. **Sean Murphy** said we have highlighted in the narrative what we are talking about. **Doug Anderson** said they can have it within a couple of weeks.

There was a discussion about traffic.

- **Adam Turner** said you are putting one car every two minutes at the Meshacket intersection and that intersection is a mess in the summer at the Edgartown West Tisbury Road.
- **Heather Monticup** said on average there are 30 trips so there is a vehicle every two minutes. It is less than a 13 second impact in delay. The data and projections are coming from other neighborhoods that have these issues.
- **Adam Turner** said it is an issue at that intersection. It is problematic in the summer especially in summer peak hours and it can be different with going to the beach.
- **Heather Monticup** said they analyzed the peak hour especially in the PM.

- **James Joyce** said he thinks cars will take of themselves. This will be primarily vacation homes and there will be bikes and that road is dangerous. We need to create a bike path for what will be created by this development.
- **Sean Murphy** said there is a 15 foot easement which abuts the front of Meshacket. This is a start. Edgartown had allocated money for the path down Meshacket but it didn't happen but we can get up to 1,400 feet which will be a start. It is the property that abuts Meshacket and it is not part of this subdivision.
- **Doug Hoehn** showed the location on a map. It is another piece of land where we can give the easement.
- **Michael Kim** said since the intersection at Meshacket Road is a mess, are there methods to alter it and improve it.
- **Heather Monticup** said we have not done a signal warrant.
- **Doug Anderson** said we could make a right turn out and restrict vehicles at both ends and it significantly changes it.
- **Heather Monticup** said we can look at geometric improvements and investigate it.

Doug Anderson said the Comprehensive Project Description that they prepared answers most of the Commissioners questions.

Doug Sederholm said with regards to the seller and the buyer each paying one half of the 1% assessment at closing for affordable housing the Land Bank has provisions to prevent sale price deviation and how will you handle that. **Sean Murphy** said it will be what the Land Bank does.

There was a discussion about solar.

- **Joan Malkin** said in the narrative the words about solar were limited. Why are you not championing for suitable sited houses.
- **Tad Schrantz** said we did not plan for a community solar array but to localize by home.
- **Katherine Newman** said you are not building the houses so how would that be enforced.
- **Tad Schrantz** said as part of the building permit process and as regulated by the Town of Edgartown. It is a building department issue.
- **Doug Anderson** said there is an architect review with a third party to review plans before submitted and approved by the homeowner association and then it goes to the building department.

3.4 Public Testimony

Emily Reddington lives on the Edgartown Great Pond and is the Executive Director of the Great Pond Foundation. There is a lot of talk about the PRB and that is really important. There is a traditionally high loading of nutrients on the eastern side of the Great Pond so a lot of work needs to go into the flow of water and nitrogen there. We also need to pay attention to phosphate and we have not heard anything about that. Sewering homes is great but why not look at changing more homes rather than adding just 34 new homes. A good system can take nitrogen down to 3 parts per million but what happens if this is summer homes and what happens during the peak season. She would like to see those numbers. Has anyone done projections with new homes and what the effluent would be.

- **Pio Lombardo** presented the following.
 - To address phosphorous removal the PRB will remove phosphorous if there is iron in the soil. We can design it essentially to do that but that is not part of the policy. It is more important in fresh water environments but we can address it if it is a concern.
 - One million gallons per day is .5% of flow and should not break the back of the treatment plant.
 - Additional nitrogen removal will help the Great Pond.

- The next step is to do detailed characterizations of where flow is for the PRB.
- **Emily Reddington** said it would be great for the PRB to handle some of the phosphorous but what about the wastewater as there is phosphorous in detergent and household products.
- **Pio Lombardo** said that is beyond the scope of this project. It is a scientific question that requires data. Many of the current household products now have little phosphorous.
- **Linda Sibley** asked how long does it take to design the PRB as there are a number of details that we need.
- **Pio Lombardo** said the key detail is that the applicant is guaranteeing Net Zero. There are a number of steps in the process before design documents are created. It takes 3-6 months to design.

Luanne Johnson is a wildlife expert and can tell us about the bats. She wants to explain what the US Fish and Wildlife was stating about white nose syndrome. It affects bats in winter with habitat for them in a cave or mine but we don't have that so it has nothing to do with this project. It was taken out of context. It is important to understand that these are forest bats. They can occupy any type of forest. Since the US Fish and Wildlife cannot designate all forests as significant habitat the only thing to protect them is that you cannot cut within a 2.5 km or a ¼ mile of the location or within a maternity tree area. The only known maternity roost area are the ones we did on the Island. We did not study this area and location but part of the MVC mandate is to preserve habitat. She can only tell you what she knows about them. The MVC is very well informed and she thinks condensing this development is a better way to do it and especially to keep wildlife corridors.

- **Doug Sederholm** said we asked the applicant a specific question of how the corridors were created and they candidly said they really don't know. You are a wildlife biologist and do you know how to do that?
- **Luanne Johnson** said it depends on the species there. In conservation biology we debate biodiversity and the best way to protect. A large parcel is the best way to protect or having a vernal pool. NHESP only addressed the imperial moth. If the applicant could adjust their proposal then NHESP would be really happy.
- **Doug Sederholm** asked if these corridors will do any good or just look good on a plan.
- **Luanne Johnson** said it would work for the imperial moth but not sure if they are keeping the understory and once you clear that it is hard to put back.
- **Doug Sederholm** asked the applicant if they are keeping the understory.
- **Doug Anderson** said they are.

Jim Athearn is concerned about the location of the bike path. Running the wastewater lines will cross Meshacket but there is no need to cross Meshacket Road, as it is already there. It was put in by the Field Club. They said they would be preserving the walking path on the east side but he believes they mean the northeast side and that needs mentioning. The so called open space is really only people's backyards. It is not cluster it is really urban sprawl. He urges the MVC to not back down due to a project like this.

- **Sean Murphy** addressed the path and showed on a map the location and said it was addressed at the Planning Board meeting.

Richard Toole, Public Hearing Officer continued the Public Hearing to May 16, 2019.

Doug Sederholm, Chairman recessed the meeting at 9:25 p.m. and reconvened at 9:30 p.m.

4. THE YARD MASTER PLAN-CHILMARK DRI 689 DELIBERATION AND DECISION

Robert Doyle recused himself.

Eligible Commissioners: T. Barnes, L. Brathwaite, C. Brown, F. Hancock, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole.

4.1 Land Use Planning Committee Report

Joan Malkin and **Fred Hancock** said that it was recommended by LUPC to approve the project.

Adam Turner said LUPC went through the Benefits and Detriments and the applicant's offers. The Benefits and Detriments were adjusted based on the LUPC discussion. We made some changes to the Benefits and Detriments. Reid Silva will do a runoff surface water plan and the MVC would do a simple peer review.

Doug Sederholm said the applicant will come back with the final stormwater management plan to be reviewed by LUPC before construction begins.

4.2 Offers

Wastewater

There was a discussion about runoff to the neighbors.

- **Doug Sederholm** said the main issue is run off to the neighbors.
- **Linda Sibley** said how do they control what comes onto their property.
- **David White** said that they told Bill Smith that we would control what is on our property.
- **Reid Silva** said there is not a solution only a way to improve.
- **Doug Sederholm** said that Reid Silva is not saying anything that he didn't say at the Public Hearing.
- **Fred Hancock** said he is not convinced that we need a Peer Review.
- **Doug Sederholm** said LUPC will decide if a Peer Review is to be done and at the MVC's nickel.
- **Michael Kim** said everything you do will help but how much will you do and how much will you invest. Where do we draw the line?
- **Linda Sibley** said that is what comes back to LUPC.
- **Ben Robinson** said the pits they are installing are a significant amount.

Landscaping

The Commissioners did not have any comments with regards to the landscaping offer.

Exterior Lighting

The Commissioners did not have any comments with regards to the exterior lighting offer.

Energy/Sustainability

The Commissioners did not have any comments with regards to the energy/sustainability offer.

Work Force Housing

The Commissioners did not have any comments with regards to the work force housing offer.

Materials

The Commissioners did not have any comments with regards to the materials offer.

Noise

Joan Malkin asked for clarification on 7.1 "there will not be amplified music...". **David White** said the language can be revised to "Amplified music will be contained...".

Joan Malkin asked for clarification on 7.1 about the music will be contained. What does contained mean? **David White** said it is with regards to the new theater and construction will include sound insulation.

Bill Veno asked if there will be any outdoor music. **David White** said maybe but not loud concerts.

There was a discussion about 7.2.

- **Joan Malkin** asked what production hours mean.
- **David White** said it has to do with technical requirements.
- **Alison Manning** said the distinction has to do with sound and lights and as an example the yoga classes do not have sound and lights.
- **Fred Hancock** said there will be no performances during that time.
- **Doug Sederholm** said that production relates to sound.
- **David White** said it does and that the yoga classes start at 7:00 a.m. and do not require any sound.
- **Alison Manning** said they are limited by the Town of Chilmark and have to end performances by 10:00 p.m.

Traffic

The Commissioners did not have any comments with regards to the traffic offer.

Design

The Commissioners did not have any comments with regards to the design offer.

Construction Management

The Commissioners did not have any comments with regards to the construction management offer.

4.3 Benefits and Detriments

Wastewater and Groundwater

Benefits:

- Applicants have pledged to establish bio-swales and drywells on site to reduce existing volumes of runoff originating on their property as well as interception from uphill run off, off site. Their effectiveness cannot be evaluated until a formal stormwater management plan is submitted.
- Fully accessible restrooms will be an upgrade from existing port o' potties as they will be more sanitary and more approachable.
- Total daily nitrogen load will decrease. Total annual nitrogen will also decrease if the applicant does not surpass proposed uses for the site.

Detriments:

- Total impervious surface will increase.
- Nitrogen contribution will remain well over the loan limit of the property.

Open Space, Natural and Community Habitat

Benefits:

- All new plantings will consist of native species.

Detriments:

- Some mature trees will be cleared.

Neutral:

- Total open space will decrease unless unpaved parking areas are included in the calculation.

Night Lighting, Noise

Benefits:

- Lighting for the audience vacating the site will be improved and downward shielded along pathways.
- All lighting will meet local zoning code and "Dark Skies" initiatives.

Detriments:

- None

Traffic and Transportation

Benefits:

- Parking will be largely contained to the site (parking spaces will increase from 40 to 74) reducing the number of pedestrians traversing Middle Road before and after capacity performances, many of which include returns to vehicles in darkness.

Detriments:

- A single lane driveway remains a safety issue as vehicles may need to come to a full stop in the road while allowing exiting vehicles to turn out of the driveway when approaching the mouth of the driveway at the same time.
- There will be a minor increase in the total number of trips given an additional 20 seats in the proposed theatre along with an additional bedroom.

Scenic Values

- Neutral

Character and Identity

Benefits:

- Architecture vernacular is consistent with up-island exteriors.
- The cultural identity of an island where artist covet to showcase their work will be amplified with this expansion.

Detriments:

- None

Impact on Abutters

Benefits:

- Site activity will be better contained.

Detriments:

- There will be come increase in usage.
- Construction will be unwelcome by abutters though the applicant's offer to use prefabrication for many large components will reduce the amount of heavy equipment traveling to and from the site.

Low and Moderate Income Housing

Benefits:

- An additional bedroom will be added allowing all visiting artists to stay on campus.
- Two to four year round staff will have the option to stay on site.
- Visiting artists will continue to be housed on campus year round.

Detriments:

- None

Impact on Services and Burden on Taxpayers

Benefits:

- There will be increased access to wellness programs and cultural performances enhancing existing collaborations with other island institutions.
- At least a part time position will become full time and an office manager and educator's position will be added.

Detriments:

- None

Use Efficiently or Unduly Burden Other Public Facilities

Benefits:

- All expansion will take place within the existing site. There will be little to no impact on existing public facilities.

Detriments:

- None

Consistency with/and Ability to Achieve Town, Regional, State Plans and Objectives

Benefits:

- On site power generation will partially offset total increased energy usage.
- Workforce housing will be provided for part and full time staff along with visiting artists in residence.

Detriments:

- None

Conforms to Zoning

Benefits:

- The proposed renovations and locations of the new structures will conform to setbacks and other zoning regulations except for specified pre-existing non-conforming setbacks that can be permitted by Special Permit by the Chilmark Zoning Board of Appeals.

Detriments:

- The Yard will remain a pre-existing non-conforming use and the total developed square footage of the non-conforming use will increase.

Conforms to DCPC Regulations

Benefits:

- The proposed development is within the Middle Road Roadside District and the design is proposed to have no impact on sight lines from the street and will not exceed roof height limits.

Detriments:

- Though the total nitrogen contribution will decrease the applicant will remain above the load limits of the properties.

Summary

The proposed expansion of performance space and living quarters will further enrich the arts and culture scene on Martha's Vineyard. There will be some limited impacts in the form of stormwater runoff and trip generation but this capital project will make The Yard an exemplary island institution that attracts talented contemporary dancers and provides them with lodging. Furthermore, The Yard is committed to workforce housing and the larger island community by providing an additional venue for local school performances.

Fred Hancock moved and it was duly seconded to approve the project with the offers as noted and accept the Benefits and Detriments as modified by LUPC. Roll call vote. In favor: T. Barnes, L. Brathwaite, C. Brown, F. Hancock, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole. Opposed: none. Abstentions: none. The motion passed.

David White said as a rookie to this process this was a great experience and he thanked the MVC.

5. MVCS CAMPUS PLAN-OAK BLUFFS DRI 223-M3 WRITTEN DECISION

Robert Doyle recused himself.

Eligible Commissioners: T. Barnes, L. Brathwaite, C. Brown, F. Hancock, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole.

There was a discussion about Condition 1. Landscaping Plan.

- **Linda Sibley** said why say primarily native species versus native species. They will survive without irrigation more likely with native species.
- **Doug Sederholm** said we already accepted their offer so this can be on alert at LUPC.
- **James Joyce** said why is the irrigation only for the first two years.
- **Katherine Newman** said then the plants will be established.
- **Ryan Bushey** said it will affect the wastewater.

Joan Malkin asked when does the applicant submit the Traffic Plan to LUPC for Condition 5.5.1. **Leon Brathwaite** said 5.5.2 tells when.

Doug Sederholm said there is a typo on 5.7 “Will” should be “will”.

Joan Malkin suggested the language be revised on 5.7.8 to “Enforce no parking on Village Road and adopt other traffic mitigation measures.”

Linda Sibley questioned the language for 5.8 “(including those which are partially on when applicable)”.

Joan Malkin said grammatically it needs a comma “(including those which are partially on, when applicable)”.

Doug Sederholm said for 6.1, condition 5.1 needs to be added.

Fred Hancock moved and it was duly seconded to approve the Written Decision as clarified. Roll call vote. In favor: T. Barnes, C. Brown, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole. Opposed: none. Abstentions: L. Brathwaite, F. Hancock. The motion passed.

6. MINUTES

Robert Doyle rejoined the meeting.

Commissioners Present: T. Barnes, L. Brathwaite, C. Brown, R. Doyle, F. Hancock, J. Joyce, M. Kim, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole.

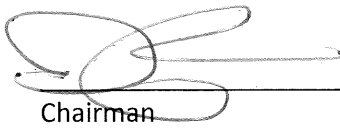
James Joyce moved and it was duly seconded to approve the minutes of March 7, 2019 with the corrections as noted by Doug Sederholm on line 145 to correct Park n Ride to Parking Lot and on line 137 as noted by Linda Sibley to revise to “might have authority”. Voice vote. In favor: 13. Opposed: 0. Abstentions: 0. The motion passed.

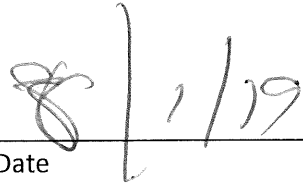
The meeting was adjourned at 10:00 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

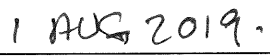
- Minutes of the Commission Meeting – Draft, Held on March 7, 2019
- Draft Benefits and Detriments – The Yard
- DRI 689 The Yard Campus Plan Offers : April 25, 2019
- Minutes of MVC’s Land Use Planning Committee Held on March 25, 2019
- Letter from Vineyard Land Surveying & Engineering Inc., Dated April 22, 2019, RE: The Yard LLC
- Decision of the Martha’s Vineyard Commission DRI 223-M3 M.V.C.S. Master Plan and Expansion
- Meeting House Place Open Space Site Plan Dated December 28, 2018
- Meeting House Place Sample Homes Site Plan Dated November 30, 2018

- Letter from Wright-Pierce , Dated April 18, 2019, SUBJECT: Meetinghouse Place, Estimate of Nitrogen Load Prior to Mitigation
- Meeting House Place Typical Lot A, B1 and B2 Renderings, Dated April 15, 2019
- Federal Register/Vol. 81, No. 81/Wednesday, April 27, 2016/Rules and Regulations; 24707-24714
- Correspondence received by the MVC for Meeting House Place
- Meeting House Place Comprehensive Project description, Dated April 19, 2019
- Meeting House Place Narrative Updated April 19, 2019
- Questions and Answers from the 1st Hearing (Meeting House Place)


Chairman


Date


Clerk-Treasurer


Date