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Minutes of the Commission Meeting Held on May 16, 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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| P Gail Barmakian (A-Oak Bluffs) | - 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) |
| - 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) |
| - James Joyce (A-Edgartown) | P James Vercruysse (E-Aquinnah) |

Staff: Adam Turner (Executive Director), Bill Veno (Senior Planner), Jo-Ann Taylor (Coastal Planner, DCPC Coordinator), Dan Doyle (Regional Planner).

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

1. EXECUTIVE DIRECTOR'S REPORT

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

Adam Turner presented the following:

- We have been receiving a lot of demolition requests in the last couple of weeks.
- A photo of the Mill House demolition was shown. He stressed that the MVC has a process and it gets referred and we make a decision on what is important, historical and what can be torn down. Structures cannot just be taken down and the MVC not have a role in it. The MVC has allowed total demolition, partial demolition and with demolition with renovation. The Commission allowed one in Tisbury with Mr. Westman and he was able to do the demolition and rebuild and we had input into what he replaced it with. We did not go through the process with the Mill House and he wanted to stress that. That is what concerns him that someone took it into their own hands and did not go through the MVC process. It was a building from 1750 and it at least required archaeology.
- We have also been referred to the Prouty House which the MVC has seen before as part of the Stop & Shop DRI approval but now it is being seen by itself. We need to decide if we want to see it by itself or wait until the whole project comes before the Commission.
- There was a project in West Tisbury where one of the houses looked at last year on Indian Hill Road was represented to be moved and we allowed it to be moved but now the condition of the building does not allow that so we told the builder that they need to come back to the MVC.

- We received funding for surveys for historical structures and we also have the information from what Mark London did. We have 500 to 600 properties before 1900 to be done and we will have a summer intern to do that.
 - **Linda Sibley** said since the Mill House should have been referred to the MVC couldn't we still require archaeology?
 - **Adam Turner** said he will not get into what we may or may not do because it is not before the Commission.
 - **Linda Sibley** asked procedurally could that be done as a hypothetical process.
 - **Gail Barmakian** said can the Mill House still be referred to the MVC.
 - **Adam Turner** said it has been referred to us like the Santander Bank. We did get the tiles for the bank and we have looked at the color and are working with Harold Chapdelaine who has educated him on the tiles.
- We have a EPA grant to put in a Permeable Reactive Barrier (PRB). The PRB is a wood chip barrier that takes out nitrogen on a macro scale. It is a wall but they don't work right because you have to find the nitrogen. We picked one site and then found another site, Mud Creek, and we are basically designing it. It will be oil based injected and we will be siting it correctly and engineering it to PRB construction and then monitor it.
 - **Richard Toole** asked what do mean by oil.
 - **Adam Turner** said it is a type of oil that coats the soil (not wood chips) that is not intrusive and the nitrogen molecules stick to it and dissipate through it. It is vegetable oil.
- He showed the locations of the test wells in Lagoon Pond and we have a couple of more to do. We will create a three dimensional map of the property and we will understand what is beneath it and where it works.
 - **Doug Sederholm** asked how deep they went.
 - **Adam Turner** said to ground water and in some cases 20 feet. We started at 3 feet.
 - **Doug Sederholm** said how will we test to see what it is taking out.
 - **Adam Turner** said we will test before and we have wells in the ground on the other side. So basically testing how it goes through this thing. The technology is old. It is about 40 years old and was used for chemical testing. Gail Barmakian was instrumental in getting the grant.
- We have another EPA grant to use natural drainage in areas that are flooding and to develop some of these techniques.
 - **Joan Malkin** said what does using natural drainage mean.
 - **Adam Turner** said it is diversion, natural drainage and letting the water flow and divert it. We have to get a process of permitting that doesn't take 10 years. It is hard to get these people together. Such as the culvert in Farm Pond that does not work.
 - **Gail Barmakian** said the town did it primarily to address the nitrogen issue and it is supposed to work.
 - **Richard Toole** asked who are these people needed for permitting.
 - **Adam Turner** said you have to get permits from Coastal Zone Management, DEP (for putting nitrogen into the sound), the Core of Engineers and DOT.
 - **Gail Barmakian** said DOT was a big stumbling block. We asked DOT to raise the road after the storm damage and they refused.
- He is trying to get a task force together to meet twice a year. If we are going to do coastal resiliency planning, address climate change and flooding we can't wait 5 to 10 years. We could do simple things such as culverts.

- **Gail Barmakian** said she saw a program a couple of days ago on restoring wetlands and plantings. That is apparently a natural solution that is quite effective.
- He said there are a lot of new maps up in the meeting room such as the one for tick incidence.

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

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

Richard Toole, Public Hearing Officer opened the Public Hearing and said that the MVC had a very fruitful LUPC meeting with the applicant on Monday and they tried to explain what the Commissioners in the room felt were the major issues. The applicant acted like they did not know what we were talking about but he thinks they did. The applicant needs more time to take it back to the drawing board and come up with something that may be a possible solution to get passed so they have asked for it to be continued.

- **Adam Turner** said tonight the Commission needs to pick a date to continue the public hearing to. We did agree that we cannot have open ended conditions and offers such as with the nitrogen. If you say you are going to do a Permeable Reactive Barrier you have to show how you are going to do that, test for that and show us the results and that it works. We need more detail.
- **Richard Toole** said they may be coming back to LUPC and reporting on how things are going.
- **Doug Sederholm** said we need to pick a date to continue the public hearing to.
- **Fred Hancock** suggested June 6, 2019.
- **Leon Brathwaite** thought the applicant had things that would take longer.
- **Adam Turner** said we can pick June 6, 2019 and if needed continue it.

Richard Toole, Public Hearing Officer, continued the Public Hearing to June 6, 2019.

3. COASTAL DISTRICT DCPC PUBLIC HEARING AND AMENDMENT TO REGULATIONS IN OAK BLUFFS

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

Doug Sederholm, Public Hearing Officer, read the Public Hearing Notice. The Oak Bluffs Coastal District regulations were originally adopted with MVC approval in 1976 following the District's Goals and Guidelines closely. In 1983 the Town amended the regulations by at least 2/3 vote at Town Meeting but did not seek conformance from the MVC. The Town is now seeking conformance. The proposal is to amend Section XVIII (new Section 9) A. (4) Establishment of Zones within the Coastal District for the shore zone. The proposal is to read; Shore Zone: Consisting of the land from mean low water to 100 feet inland of the inland edge of any dune grass, wetland indicator species or stream flowing into a coastal water body and land 100 feet inland of the crest of any bluff exceeding a height of 15 feet. The purpose of the hearing is to hear testimony and receive evidence as to whether the Commission should determine that proposed amendments to the regulations governing the Coastal District in the Town of Oak Bluffs conform to the guidelines for the development specified in the Commission's designation of the Coastal District.

3.1 Staff Report

Jo-Ann Taylor presented the following.

- A map of the location of the original Coastal District and the proposed was reviewed.
- This is just amending the regulations and not the boundary.

- **Linda Sibley** said does this expand the shore zone.
- **Jo-Ann Taylor** said it does.
- **Joan Malkin** questioned if it takes out 100 feet of wetland.
- **Doug Sederholm** showed Joan Malkin the area before and after on the map.
- **Fred Hancock** said it is an expansion.
- Brush Pond near the hospital is not a Great Pond. It is in the Coastal District but not the Shore Zone and that is a good area to look at for the difference.
 - **Gail Barmakian** said can you clarify that this has been applied since 1983 in Oak Bluffs.
 - **Jo-Ann Taylor** said that is correct and showed the proposed area which now included Brush Pond.
 - **Christina Brown** said the new map now shows the new area in yellow.
 - **Doug Sederholm** confirmed.
 - **Jo-Ann Taylor** said the shaded part was the Shore Zone and the amendment adds. There is an expansion of the Shore Zone which means less building.
 - **Linda Sibley** asked Jo-Ann Taylor to explain why Brush Pond is not a Great Pond.
 - **Jo-Ann Taylor** said it is not 10 acres. Fresh or salt water is okay but it needs to be 10 acres.
 - **Joan Malkin** said Section 5 as a minimum now complies with the guidelines and asked where that section is in the staff notes.
 - **Jo-Ann Taylor** said there are references in the packet of information and it is in Section 5; "Towns shall, in the manner required by the Act, adopt Regulations which as a minimum comply with these Guidelines for the Development of the Coastal District."
- What you are looking at as criteria is to see if it conforms with the Goals and Guidelines and to compare with the proposed amendment.
 - **Linda Sibley** said we can assume the original area met this so the expansion also will.
 - **Fred Hancock** said it was already approved by us.
 - **Jo-Ann Taylor** said it was approved in 1976 and is now more expansive so at a minimum it complies with the Goals and Guidelines. It takes them a step further. For reference you have the full text of the Oak Bluffs Regulations in the packet of information.
 - **Doug Sederholm** suggested that everyone pay attention to the map on the back page.
 - **Leon Brathwaite** said it shows the overlap and the enlargement.
 - **James Vercruyse** said they never asked us if it conforms to the Goals and Guidelines so we are not here to judge if they have conformed to the goals. We have a long history since 1983.
- What you are looking at is what you always look at. You are looking at this proposal as if it were being voted on next week. Chapter 831 does not specify a time frame for a 2/3 Town vote. You also have to have a public hearing vote to vote on conformance. Once you have those two things you have a regulation.

3.2 Testimony from Public Officials

Joan Hughes is the Chairman of the Oak Bluffs Conservation Commission. She thinks the reason it was changed was to put language in changing it from the Great Pond to the coastal water body and dune grass is an exact indicator species. What we use as part of the Wetland Protection Act is indicator species and what we were doing was bringing these regulations into conformance with the wetland law. We ask the MVC to approve.

Doug Sederholm, Public Hearing Officer closed the Public Hearing.

Gail Barmakian moved and it was duly seconded to approve the amendment and it conforms to the Goals and Guidelines. Roll call vote. In favor: B. Barmakian, T. Barnes, L. Brathwaite, C. Brown, F. Hancock, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.

There was a discussion about the need for the amendment.

- **Linda Sibley** said she waited to ask this question outside the MVC decision. Have there been any projects during this intervening time in that area.
- **Gail Barmakian** said yes and that is why we wanted the amendment.
- **Doug Sederholm** said no one challenged it so it didn't matter.
- **Adam Turner** said the dune question was founded in 1976 but the expansion of it was not done.
- **James Vercruysse** said there are things in the goals listed and he is curious if they have been met over the last 36 years. It really has nothing to do with this amendment.
- **Jo-Ann Taylor** said she feels the Coastal District has a big part in doing what it is supposed to. She is amazed how the early Commission took the nominations and formed the framework of the DCPCs. It is a great tool.

4. VINEYARD YOUTH TENNIS-OAK BLUFFS DRI 539-M3 MODIFICATION REVIEW

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

For the Applicant: Chris Scott

Doug Sederholm, Chairman said the applicant has requested to modify condition 1A as they want the bubble to remain year round.

4.1 Staff Report

Adam Turner presented the following.

- We received a letter from Chris Scott and they want to use the bubble year round.
- The applicant was before the MVC a couple of months ago and they asked for adults to use the facility as they had a new model which the MVC approved.
- At that time Paul Foley decided to correspond in writing to the ZBA rather than amending the decision. .
- In researching he found that he would like that to be re-voted on to be put into the decision so it protects everyone and so it is not just a letter.
 - **Linda Sibley** said are you saying that the modification voted on was never filed in the court.
 - **Adam Turner** said it was effectuated by a letter as opposed to filing on a deed.
- The applicant would like to amend condition 1a; "That the inflatable structure known as the "bubble" shall not be inflated and erected prior to October 15 of any given year and shall be deflated and dismantled no later than May 15 of any given year;". They want to amend to keep the bubble up for the whole year.
- The applicant would like to amend the language for condition 1g to eliminate the summer months in the condition.
 - **Christina Brown** said she did not remember the issue of the hours during the LUPC meeting.
 - **Doug Sederholm** said it was previously approved but not put into a decision that was recorded.
 - **Adam Turner** said it was actually voted on we just didn't do it correctly.

- **Chris Scott** showed a photo of the bubble.

4.2 Commissioners' Discussion

There was a discussion about a commercial operation.

- **Fred Hancock** said he thought one of the other issues during our previous modification was to allow them to be a commercial operation.
- **Doug Sederholm** said he did not think so.
- **Fred Hancock** said because they were talking about being able to serve a clientele that was not students.
- **Chris Scott** said adults specifically.
- **Fred Hancock** said a commercial purpose to effectively help you pay for your operation.
- **Joan Malkin** said that they charge now for children.
- **Chris Scott** said it is a nominal fee. The idea was to allow adults to use it during the unutilized period when the kids are in school and that would cover the overhead and then we would be able to only charge a nominal fee for the children's lessons. He is happy to say (and thanked the MVC for their permission to do that) it is actually working. Kids still out number adults 2 to 1. We have 100 adults who have signed up and they are playing during the hours when the kids are in school. We established a financial assistance program for any family who finds even the nominal fee a potential hardship. We have had a few families come to us and we are subsidizing their lessons. Under the new model we feel it is important that all of the families are invested in the program to some extent.
- **Doug Sederholm** said he did not see the modified condition that Fred Hancock was referring to.
- **Fred Hancock** said that was his point.
- **Doug Sederholm** said we cannot rule on that if it is not before us.

There was a discussion on what is being modified and voted on.

- **Linda Sibley** said she finds the whole modified conditions and new conditions confusing and she wants to know what the MVC is voting on.
- **Adam Turner** said we voted last time to allow adults to use the services with a certain condition. You also need to look at if the applicant can use it (the bubble) all year. He looked at the Decision and realized it was just a letter and the decision had not been amended.
- **Doug Sederholm** said shouldn't we prepare a written decision of the modification so we have to vote on approving the year round use of the bubble.
- **Fred Hancock** said for the bubble part of it we would do away with Condition 1a since there is no time limit now on the bubble.
- **Christina Brown** said but we need to vote that and record that in all the proper places.

There was a discussion about what was reviewed at the LUPC meeting.

- **Joan Malkin** said did this go to LUPC.
- **Linda Sibley** said it did and LUPC voted it did not require a public hearing and to recommend to the full Commission it should be approved.
- **Fred Hancock** said and because in the past they have used the courts underneath the bubble all year round. So it was not an extension of the use of the facility, it was just an aesthetic thing with the bubble being up.
- **Linda Sibley** said and it allows them to play when it is pouring rain.
- **Joan Malkin** said it all sounds like such a good idea to her but it is relevant for us to understand why we put that condition in before we get rid of it.

There was a discussion about the aesthetic of the bubble.

- **Richard Toole** said if his memory serves him correctly this was a big thing to that region of Oak Bluffs and there was a new subdivision across the street.
- **Linda Sibley** said it was thought it would be very visible and sort of offensive and you can't really notice it.
- **Gail Barmakian** said she remembers what Richard Toole has said and you didn't want it to be like a commercial use.
- **Doug Sederholm** said that is a different issue.
- **Gail Barmakian** said that is why it was taken down to minimize the structure.
- **Doug Sederholm** said they want to leave the bubble up and we are removing that condition to take it down.

Linda Sibley moved and it was duly seconded that the modification does not require a public hearing and we have sufficient facts before us. Voice vote. In favor: 12. Opposed: 0. Abstentions: 1. The motion passed.

There was a discussion about building a permanent structure.

- **Gail Barmakian** said you are now doing this as a year round thing and do you for see building a permanent structure.
- **Chris Scott** said they did not. We are operating year round. What we are asking is to operate two courts year round under shelter. Obviously many years from now and after I am gone if a permanent structure was proposed there would be a fairly elaborate permitting process and the MVC would have to review. He can say that they have zero plans to do that. The bubble was funded by a very generous grant from MV Youth and it is really a huge upgrade from the previous bubble. It is rated to 150 mph wind and has a much better air exchange. It is a great structure and if we leave it in place it should last 20 to 25 years, so that is great.
- **Doug Sederholm** said why would they want to spend \$1 million to replace it.
- **Chris Scott** it would probably cost \$2 million.
- **Linda Sibley** said you said that if you leave it in place it will last 20 to 25 years and at LUPC you said you were told by the manufacturer that if you keep collapsing it maybe it will last half that time.
- **Doug Sederholm** said so we could avoid having a permanent structure there for that time period.

Gail Barmakian said there is a contract with Oak Bluffs and does this change require you to go to the Town of Oak Bluffs for the change. **Chris Scott** said yes and we were referred here by the Zoning Board, so the MVC is the first stop.

Linda Sibley moved and it was duly seconded to approve the proposal and to remove Condition 1. Roll call vote. In favor: G. Barmakian, T. Barnes, L. Brathwaite, C. Brown, F. Hancock, J. Malkin, K. Newman, B. Robinson, L. Sibley, E. Thomas, R. Toole, J. Vercruysse, D. Sederholm. Opposed: none. Abstentions: none. The motion passed.

Adam Turner said it is one of the most successful programs on the Island.

Chris Scott said with our new coaches we have lowered the starting age for kids to four and it is one of the more successful programs.

5. NOVA VIDA ALLIANCE CHURCH-OAK BLUFFS DRI 603-M4 EXTENSION REQUEST

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

For the applicant: Valci Carvalho

Doug Sederholm, Chairman said this is an extension request. The Decision was in 2014 and extensions were granted in 2016 and 2018. The applicant asked for a three month extension in 2018 and the MVC granted a six month extension. Now the applicant is asking for an additional extension and he asked the applicant how long they wanted.

5.1 Applicants' Presentation

Rev. Valci Carvalho said at LUPC they asked for one year. The Town of Oak Bluffs has made it difficult for us. As an example the Town has asked for a stamped landscape plan and he has talked to landscapers and they have said they have never done that. All of these types of details are adding a lot of time.

Doug Sederholm said you need time to work with all of the Town boards and what town board were you referring to. **Rev. Valci Carvalho** said the Building Inspector.

5.2 Commissioners' Discussion

There was a discussion about the plans required by the MVC and what was discussed at LUPC.

- **Adam Turner** said there are two things that the applicant needs to complete; a landscaping plan and a lighting plan for LUPC. The applicant has said that he has these but they have not been submitted nor reviewed but his time has run out so that is why he needs to request an extension.
- **Linda Sibley** said when LUPC receives those two plans perhaps we can communicate to the Building Inspector that it is as ironclad as any stamping would be. The applicant can't deviate from the plans the MVC approves.
- **Fred Hancock** said the MVC Decision says that he has to have an approved Landscape Plan before the Certificate of Occupancy but not before issuance of a Building Permit.
- **Doug Sederholm** said why is it an issue now.
- **Fred Hancock** said precisely. At LUPC we said we thought the Executive Director could write a Certificate of Compliance from the MVC to the Building Inspector that there are no issues from the Commission's point of view to issue a Building Permit.

Doug Sederholm asked the applicant how much time he needs. **Rev. Valci Carvalho** said based on LUPC one year but he is not sure how long the Building Inspector will take.

Doug Sederholm said unfortunately we cannot help you with the problems you are encountering with those officials but we can review your extension request. LUPC recommended one year to be granted and the Executive Director to write a letter to the Building Inspector and to contact in person or on the phone to say that the applicant needs to do nothing else to meet MVC approval.

Christina Brown moved and it was duly seconded to extend the approval as written for one year. Roll call vote. In favor: G. Barmakian, T. Barnes, C. Brown, F. Hancock, J. Malkin, K. Newman, B. Robinson, L. Sibley, E. Thomas, R. Toole, J. Vercruysse, D. Sederholm, L. Brathwaite. Opposed; none. Abstentions: none. The motion passed.

6. VINEYARD WIND UNDERSEA CABLE-EDGARTOWN DRI 688 WRITTEN DECISION

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

There was a discussion about Section 3.3 Benefits and Detriments A1.

- **Joan Malkin** said she did not think lines 208 to 210 are appropriate.
- **Adam Turner** said it was language that was handed out during deliberation.

- **Joan Malkin** said she had sent her comments back and we should be talking about these two alternative locations as appropriate. We need focus on the two proposed cable locations because fundamentally that is what this is about. We should say these two proposed alternative locations are appropriate in view of the alternatives because the alternatives are, using language from whatever their testimony says. It may be in their testimony why they proposed these two locations and we found what they said compelling.
- **Christina Brown** thinks in 1A we didn't approve the project and we didn't discuss the validity. All of this is may be what we feel. The project cannot exist without the cables. The cable is what came to us and the appropriateness of them.
- **Adam Turner** said they will remove A1 and put in new language as discussed and submitted by **Joan Malkin**.
- **Gail Barmakian** said why would you take out the last sentence, line 210.
- **Joan Malkin** said it is relevant elsewhere.

There was a discussion about Section 3.3 Benefits and Detriments A3.

- **Linda Sibley** said it says persons and did we address the effect on fishing and fisherman.
- **Doug Sederholm** said he does not know if we received evidence one way or the other on the impact on fishing /persons. The evidence was addressed more on the impact of the fish.
- **Ernie Thomas** said there was testimony that the cable would be buried 8 feet underground and it would not interfere with the dragging.

Dan Doyle said even though not explicitly listed as a benefit or discussed with identity but what about the virtues that the Commission identifies with. **Gail Barmakian** said it is about the cable itself.

Doug Sederholm said there is a typo on line 321. In abundance is stated twice.

Linda Sibley said the word sole should be deleted on line 328.

There was a discussion about Section 5. Conditions Section 2.

- **Leon Braithwaite** said if they decide to leave the cable in the ground could it be salvaged without coming back to the MVC. Could the salvage rights be sold as an example for the copper.
- **Adam Turner** said should it say the applicant or any other party.
- **Doug Sederholm** said we cannot bind a third party. It is their property.
- **Joan Malkin** said if someone were to do that and part was in our waters it would be a DRI so they would have to come to us.
- **Doug Sederholm** said he can't image Vineyard Wind not serving property right over it to take it out.
- **Gail Barmakian** said can the language be cleaner that it needs to be approved by us.
- **Doug Sederholm** said to add language to submit an application for approval by the Commission.
- **Gail Barmakian** said can we also ask for the conditions too.
- **Doug Sederholm** said he can't imagine they would give us the approvals without having met the conditions.

Linda Sibley said it is one thing to use BOEM and NOAA but presumably somewhere acronyms are defined for all such as for NARW.

There was a discussion about line 16 Owner.

- **Christina Brown** said on page one owner says the Town of Edgartown.
- **Doug Sederholm** said the owner is the applicant.
- **Adam Turner** said the sole applicant is Vineyard Wind LLC so he will correct that.
- **Holly Carlson Johnson** confirmed that.
- **Doug Sederholm** said the property owner is the Commonwealth of Massachusetts.

Joan Malkin moved and it was duly seconded to approve the decision as written with the amendments as raised and agreed to.

- **Trip Barnes** said is there any kind of bond posted to remove during a hurricane and who is responsible to clean up the mess.
- **Doug Sederholm** said no and the applicant is responsible.
- **Joan Malkin** asked if he was talking about the wind turbines.
- **Doug Sederholm** said we are not talking about the turbines. If talking about the cable it was not offered and not required and somebody would have to go after them if there is a problem.
- **Adam Turner** said BOEM has not approved it yet so we will see what they and other parties require in terms of bonding.
- **Holly Carlson Johnson** said BOEM requires a Federal bond held prior to completion.
- **Christina Brown** questioned if she can vote since she missed Deliberation and Decision.

Roll call vote. In favor: G. Barmakian, L. Brathwaite, F. Hancock, J. Malkin, K. Newman, B. Robinson, L. Sibley, E. Thomas, R. Toole, J. Vercruysse, D. Sederholm. Opposed: T. Barnes. Abstentions: C. Brown. The motion passed.

7. THE YARD CAMPUS MASTER PLAN-CHILMARK DRI 689 WRITTEN DECISION

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

There was a discussion about 3.3 Benefits and Detriments Section A1.

- **Linda Sibley** said where it says there will be some limited impacts on stormwater she thought they were going to improve that. She is not sure that is an adequate way to describe it.
- **Katherine Newman** said she thought they said they were going to try to do what they could to mitigate it but probably it wasn't fixable.
- **Linda Sibley** said it is fixable but would not eliminate "Lake Smith".
- **Joan Malkin** suggested language to say they are trying to fix the runoff that comes to their property and not any incremental runoff attributable to this property.

Doug Sederholm said for line 146 he does not know that the project itself will increase stormwater runoff. He suggested taking out limited impacts regarding stormwater runoff and put in limited impacts in the form of trip generation.

Doug Sederholm said for line 175 to pick either would have a neutral or slight detrimental effect but not both. He suggested the language should be "... development may have a slight detrimental effect..."

There was a discussion about 3.3 Benefits and Detriments Section A5.

- **Joan Malkin** asked what the minor impacts are on line 202.
- **Doug Sederholm** said he is not sure this addresses municipal services. They might affect the Fire Department and suggested the language be may have minor impacts.
- **Joan Malkin** said she did not think line 295 belonged in Section A5. It is a benefit and a key benefit.
- **Doug Sederholm** suggested moving it to Character and Identity.

There was a discussion about 5. Conditions Section 12, On site drainage.

- **Adam Turner** said the majority of the conditions are applicant offered. The only condition we added was 12, which regarded On site drainage.
- **Doug Sederholm** suggested revising the language to be submitted to LUPC and not the Commission and for its review.
- **Christina Brown** said it should also be approved.

- **Doug Sederholm** agreed it should be approved by LUPC.
- **Joan Malkin** said the last sentence line 376 and 377 is not necessary and should be eliminated.
- **Doug Sederholm** agreed.
- **Linda Sibley** said it is redundant to 5. Conditions, 1 Wastewater, Section 1.2.
- **Joan Malkin** said 5. Conditions Section 12, On site drainage should be removed.

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

8. NEW BUSINESS

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

Adam Turner said the MVC wrote a letter to the Tribe beginning our more formal process. It is a three prong process; 5/22/19 a staff/applicant meeting, 6/3/19 LUPC and 6/6/19 for a public hearing. Unless the tribe wants additional time or we make progress in which case we will amend those dates.

Doug Sederholm said the MVC has sent a letter and we have heard nothing. **Adam Turner** said that is correct.

Richard Toole said is this a court challenge. **Doug Sederholm** said they have not challenged us.

Richard Toole said have they agreed to the process. **Doug Sederholm** said no they are ignoring us.

James Vercruysse said do we have any advice from our attorneys. **Adam Turner** said counsel has reviewed our process and agreed with what we are doing. He went through the record as the best we could. It is not sufficient but we have referral from two towns and have to go back and complete our work. He hopes we can find a way to address these things with the Tribe but we have responsibility to the referrals we received.

Doug Sederholm said the MVC is following the processes that we are compelled to follow.

Linda Sibley said were the referrals discretionary. **Doug Sederholm** said they were not, they were from the Town of Aquinnah and Chilmark was discretionary.

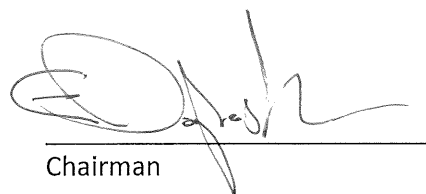
Trip Barnes asked if Katherine Newman or James Vercruysse have heard any feedback since they are the Aquinnah representatives to the Commission. **Katherine Newman** said not much. **James Vercruysse** said if he did he would not say it. We will be hearing this so he will not deliberate before that.

The meeting was adjourned at 8:30 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Decision of the Martha's Vineyard Commission DRI 688 Vineyard Wind Undersea Cable
- Decision of the Martha's Vineyard Commission DRI 689 The Yard Campus Master Plan
- Coastal District of Critical Planning Concern Conformance of Proposed Amended Oak Bluffs Regulations, Staff Notes for Public Hearing and Vote May 16, 2019
- Vineyard Youth Tennis Modification Request, Dated April 8, 2019
- Nova Vida Alliance Church, November 15, 2018 MVC Meeting Minutes, 2016 and 2018 Extension Requests, 2014 MVC Decision

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Chairman

6/20/19
Date

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Clerk-Treasurer

20 JUNE 2019
Date