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Minutes of the Commission Meeting Held on August 5, 2010 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

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

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|-------------------------------------|--------------------------------------|
| - Bill Bennett (A- Chilmark) | - Katherine Newman (E –Aquinnah) |
| P John Breckenridge (E- Oak Bluffs) | P Ned Orleans (A – Tisbury) |
| P Christina Brown (E - Edgartown) | P Camille Rose (A - Aquinnah) |
| - Peter Cabana (E – Tisbury) | P Doug Sederholm (E – Chilmark) |
| - Martin Crane (A – Governor) | - Linda Sibley (E – West Tisbury) |
| P Fred Hancock (A – Oak Bluffs) | P Brian Smith (A – West Tisbury) |
| P Lenny Jason (A – County) | - Holly Stephenson (E – Tisbury) |
| P Jim Joyce (A – Edgartown) | - Andrew Woodruff (E – West Tisbury) |
| P Chris Murphy (E – Chilmark) | |

Staff: Mark London (Executive Director), Jo-Ann Taylor, (DCPC Coordinator), Paul Foley (DRI Analyst/Planner), Christine Flynn (Economic Development and Affordable Housing Planner)

Christina Brown opened the meeting at 7:00 p.m.

1. COMMITTEE REPORTS

1.1 Wind Energy Plan Work Group

Doug Sederholm reported on the Wind Energy Plan Work Group's work.

- Sound consultant Gregory Tocci met with the Wind Work Group last week. He gave a very complex tutorial on wind and noise and talked about his experience measuring noise from wind turbines. Studies show that 20% of the population is very sensitive to noise, though the population of Martha's Vineyard have self-selected to make this number higher, as people come here for quiet and to hear the sounds of nature. Mr. Tocci gave suggestions about how to set criteria, such as by limiting noise to five decibels above ambient sound, possibly combined with an upper limit.
- The next meeting of the Wind Work Group will be about scenic resources and visual criteria and will be held at the Howes House in West Tisbury.
- Doug and Mark will attend POINT's forum on wind.

Christina Brown said the Wind Energy Siting Reform Act was not adopted by the Senate before the end of the last season.

2. DCPC EDGARTOWN SPECIAL WAYS – PUBLIC HEARING

Commission members: J. Breckenridge, C. Brown, F. Hancock, L. Jason, J. Joyce, C. Murphy, N. Orleans, C. Rose, D. Sederholm, B. Smith

Christina Brown opened the public hearing and read the hearing notice on the nomination to add two roads to the Special Ways Zone of the Island Road District, namely sections of Jeffers Lane and Old Wood Road.

Jo-Ann Taylor gave background on the nomination.

- She explained the locations of the nominated ways.
- The Commission received the nomination from the Edgartown Planning Board. The way the Commission deals with the expansion of an existing district is to treat it as a new nomination. The acceptance of the nomination by the Commission begins a moratorium on permits for development in areas twenty feet on either side of the centerline.
- The regulations for the special ways in Edgartown are already in place.
- The decision of the Commission is based on the critical planning qualifications that were developed in 1975. It seems to be a logical planning area, in that it can be defined and it is the area in need of regulations.

Dudley Levick and **William Bassett**, Edgartown By-Ways Committee, and **Robert Carvallo**, Edgartown Planning Board, described the nominated areas.

- Old Wood Road is on a map of 1898.
- They wanted to add it as a DCPC road as a way to prevent motor bikes riding on it. They've proposed it as a walking path. They're adding paths that fit into the general criteria to add walking paths that have active public use.
- The old ways get disused or they get turned into access to subdivisions. The committees are trying to prevent them from getting lost and from being used for something they weren't originally used for.

Christina Brown reviewed the regulations for Special Ways.

- The road can't be wider than 12 feet.
- There are to be no fences or structures within 20 feet of the center line. There are lesser setbacks for fences and stone walls on sites less than an acre.
- Designated roads may not be paved.
- There is to be no vehicular use unless it's a road that has been used by cars and by special permit.
- The way may not be blocked off.
- The designation doesn't give the public more right than it already had in relation to access.

William Bassett explained that Jeffers Way is a special vehicular way. It probably was a vehicular way at one time. There's a cemetery at the end of the road with stones dated 1832 and unmarked graves from the 1700s. It's a significant historical site. Designating this way will keep it from being tarred and keep it from being built up.

Dudley Levick said there haven't had objections to these areas at public hearings. The areas with objections were withdrawn before coming to MVC. The Planning Board is supportive.

William Bassett explained that there are 35 by-way wardens who monitor traffic and garbage and report their findings to the police.

Bill Veno said Chief Coughlin introduced a companion by-law that gives the police the ability to enforce that there should be no motor vehicles on special ways designated paths.

Robert Cavallo applauded the work of the by-ways committee.

Doug Sederholm moved, and it was duly seconded, to approve the amendment to the special ways because it meets the Commission's criteria: it's a critical area, it's a logical planning area, its dimensions are readily and conveniently determined, and it meets the specific qualifications of a cultural or historical resource.

Christina Brown closed the public hearing.

Commissioners discussed the motion.

A roll call vote was taken. In favor: J. Breckenridge, C. Brown, F. Hancock, L. Jason, J. Joyce, N. Orleans, C. Rose, D. Sederholm, B. Smith. Opposed: None. Abstentions: C. Murphy. The motion passed.

3. OTHER

Commission members: J. Breckenridge, C. Brown, F. Hancock, L. Jason, J. Joyce, C. Murphy, N. Orleans, C. Rose, D. Sederholm, B. Smith

3.1 Planning Economic Development (PED)

PED is meeting at 8:00 a.m. on Wednesday, August 11 at the Katherine Cornell Theatre. PED is looking at principles of the Island Plan in terms of what the Commission can do, and looking at existing policies and how they mesh.

3.2 Katama Airport Written Decision

Paul Foley said that the written decision will be available next week.

3.3 Executive Committee

The Executive Committee will be meeting on Tuesday, August 10 and will talk about procedural questions for town counsel and about the budget process.

4. BIG SKY: DRI NO. 618M- PUBLIC HEARING

Commission members: J. Breckenridge, C. Brown, F. Hancock, L. Jason, J. Joyce, C. Murphy, N. Orleans, C. Rose, D. Sederholm, B. Smith

Christina Brown opened the continuation of the public hearing.

4.1 Staff Report

Paul Foley gave the staff report.

- West Tisbury submitted the timeline for the designation of the light industrial district.

- The proposal is for a building to house a tent and party storage area.
- It's in the Dr. Fisher DCPC.
- The light industrial district has 20-foot setbacks all the way around except if the building abuts a residential district in the back.
- The frontage of the property is Pine Hill Road; the side abuts Dr. Fisher. There are twenty foot setbacks all the way around.
- A key issue is the size of the building.
- The landscaping is to maintain and supplement the buffer.
- The proposal is for 9600 square feet to house storage of tents and rental equipment. There will be no food and no washing glasses and plates.
- Paul Foley showed a slide show of the area.
- There's a verbal agreement that Bizarro will exit the same driveway as Big Sky.
- The sidewalls of the building will be 14'.
- Dr. Fisher is about 600 feet from the start to the proposed site driveway entrance with about seven turnouts.
- The turnouts are adequate but not ideal. Trip generation is not that high, but turnouts may not be adequate for trucks.
- The access to the site is through industrially zoned areas.
- The applicants offered \$5,000 for affordable housing.
- Fielder's letter is concerned with size of building and hours of operation.

4.2 Applicant's Presentation / Commissioners Questions

There was a discussion of the access road.

- **Reid Silva** explained that the main question they thought had been left unanswered was the site distance to the entrance to Dr. Fisher.
- **Chris Murphy** said Melissa Manter spoke about the legalities of Dr. Fisher Road. He asked what the rights are of the applicant to clear and maintain the road. Melissa Manter said she owns the road.
- **Reid Silva** said abutters have rights to travel and maintain the road, but abutters can't alter the footprint of the way. Anyone who has access has the legal right to maintain the road.
- **Chris Murphy** said he understands that the by-law protecting the way says you can't close it.
- **Reid Silva** said his understanding is that if someone has gained legal rights to use the road that person can maintain the road so he/she can still use it. Whatever maintenance they do will be gravel, rap, or sand hardener. He said Melissa Manter owns the strip where most of the turn out is, about 200 feet in the center. She made the offer to sell that strip, but he felt it may not really change the situation. They didn't come to the conclusion that it would be a good idea to pursue.

There was a discussion of the landscaping.

- **John Breckenridge** asked about the landscape plan. Is it their intention to fill in the barren areas or to buffer the view from the road?

- **Reid Silva** said that their intention is to buffer the building. They plan to keep the existing vegetation and fill the area with viburnum and white pine to fill the view channels.
- **John Breckenridge** suggested they put their intention in writing.

John Breckenridge also suggested that the applicant put in writing clarifications on washing and drying of tents.

Reid Silva explained the architecture of the building. Three sides will be faced with shingles and the side facing the pit will be faced with metal. They would like to offer that they will have a final plan submitted for approval with some features that attempt to break up the large sidewalls.

Doug Sederholm asked whether the public hearing should be kept open so the public can see and react to the plan.

4.3 Public Comment

Constance Breese raised a number of issues.

- She asked whether a three-acre a subdivision would trigger review and whether the lack of review by the MVC matters. **Chris Murphy** said there was an oversight in not referring it to the Commission and it does matter, but the Commission has to pick its battles. **Christina Brown** said that Ms. Breese could bring the issue to court; she could also make specific comment to the Commission on why she feels that the Commission should pursue the question of the subdivision not being referred. **Doug Sederholm** said the Planning Board of West Tisbury should have referred the subdivision to the Commission.
- She asked about the strategy of the Island Plan saying that the size and architecture of a building should fit into its surroundings. **Christina Brown** responded that the size and architecture are under review and the hearing is being kept open to allow public comment on the architecture.
- Residents believed the Light Industrial District was supposed to be located so that it did not negatively impact residential areas.
- The size of the proposed building and associated truck trips will negatively impact the residential area.
- The lot was clear cut illegally. There have been so many missed opportunities for better planning.
- It affects daily use of Pine Hill Road and Dr. Fisher Road. Emotionally it feels like people have written it off as industrial, but it's really a nice quiet residential area.
- She hopes that the Commission looks at the impact of a building of this size. It hasn't been made clear to her why the building has to be so big. She's not against a building. It just seems larger than the up-Island Cronig's. To site it on a road that's 12 feet wide with two turnouts doesn't seem right.

Lenny Jason asked the applicant what he meant by the comment that he wanted to consolidate.

Reid Silva said that applicant will use the new building for storage versus other sites around the Island; he'll keep the airport space but it's not ideal for storage because it's second floor space; they'll continue washing dishes at the airport site.

There was a discussion of the cutting of the trees.

- **Lenny Jason** clarified that the previous owner cut down the trees on the lot and began leasing to BFI.
- **Christina Brown** said that most towns don't have regulations against clear cutting.
- **Brian Smith** said he believed that Peter Williams had said he was going to keep a buffer but then went back on his word.
- **Paul Foley** clarified that Williams received a cease and desist on the non-permitted use on the site.

There was a discussion of the hours of operation.

- **Camille Rose** said she has a concern about a 9600 square foot building. She wondered if there could be any assurances that activity wouldn't be done at night.
- **Jim Edey** said that 95% of the work is done by 6:00 or 7:00 in the evening. They work during regular business hours.
- **Doug Sederholm** asked about the proposed hours of operation.
- **Jim Edey** said their current hours of operation are 8:00 in the morning to 6:00 or 7:00 at night. If he were conditioned, he would ask for 7:00 in the morning to 8:00 at night.

John Guidioanio, operational manager for Big Sky tents, said they no longer fit in the building in the airport.

- He feels they'd be good neighbors.
- It's a daytime operation. Office work might take place before or after 7:00.
- They operate differently from Tilton. Part of the reason for a large building would be to dry tents inside. We don't want to dry them outside.
- The drying of the tents is minimal. He doesn't foresee the need for air handling equipment.

Jim Edey reiterated that dishes won't be cleaned at this location. This location is for tents, tables, and chairs. He said that he doesn't believe it's that noisy to move tables and chairs.

Mike Mauro, transportation planner, spoke about the seven turnoffs in the 340 feet stretch from the driveway to the intersection of the paved road. The longest distance is 100 feet. Most are 50 feet apart. He looked at standards for turnouts but there aren't any. They have four trucks. At their busiest, they may do eight trips back and forth.

Constance Breese commented that the proposal to re-route Bizarro's trucks is a good one, but it seems like it's on a handshake.

Ned Orleans said he feels the need for knowing what they're going to do in the form of written commitments, versus the Commission conditioning the project.

Reid Silva said that he thought that the offers had been started, with respect to hours of operation, landscaping, architecture, affordable housing, etc.

Chris Murphy asked about access onto Dr. Fisher Road. **Reid Silva** said Dan Larkosh has offered to grant an easement over his property on Dr. Fisher Road to Bizarro and Big Sky.

Christina Brown suggested that an agreement between Big Sky and Bizarro should be put in writing, if possible.

Reid Silva made some final comments.

- The size has been a question since day one. Big Sky needs big space and there are not a lot of light industrial areas on the Island. Taking 2000 square feet off the building will not change the building on the lot substantially but it will change the operation.
- Cronig's Up-Island is about the same size. Misty Meadows barn in West Tisbury is 20,000 square feet.
- This is about as light a use as you could get for a light industrial area. Operation throughout the day is intermittent and is light compared to Keene's. He doesn't believe that this use will change the neighborhood dramatically and it may be a benefit.
- They'll come back with offers and plans.

Christina Brown continued the hearing to September 16th.

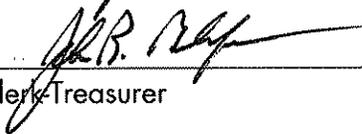
Meeting adjourned at 9:10 p.m.



Chairman

11/4/10

Date



Clerk-Treasurer

11/4/10

Date