

PO BOX 1447, OAK BLUFFS, MASSACHUSETTS, 02557, 508-693-3453
FAX 508-693-7894 INFO@MVCOMMISSION.ORG WWW.MVCOMMISSION.ORG

**Minutes of the Commission Meeting
Held on March 7, 2013
In the Stone Building
33 New York Avenue, Oak Bluffs, MA**

IN ATTENDANCE

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

P Tripp Barnes (E-Tisbury)	P James Joyce (A-Edgartown)
P John Breckenridge (E-Oak Bluffs)	- W. Karl McLaurin (A-Governor)
P Christina Brown (E-Edgartown)	P Jim Miller (A-Aquinnah)
- Tim Carroll (A-Chilmark)	P Ned Orleans (A-Tisbury)
- Madeline Fisher (E-Edgartown)	- Camille Rose (E-Aquinnah)
P Josh Goldstein (E-Tisbury)	P Doug Sederholm (E-Chilmark)
P Erik Hammarlund (E-West Tisbury)	P Linda Sibley (E-West Tisbury)
P Fred Hancock (A-Oak Bluffs)	P Brian Smith (A-West Tisbury)
P Leonard Jason (A-Edgartown)	

Staff: Bill Veno (Senior Planner)

Chairman Fred Hancock called the meeting to order at 7:00 p.m. and noted that there are revisions to the agenda due to the storm and the boat cancellations.

1. MINUTES

Commissioners Present: J. Breckenridge, C. Brown, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Miller, N. Orleans, L. Sibley, B. Smith.

John Breckenridge moved and it was duly seconded to approve the minutes of February 21, 2012 as corrected.. In favor: 10. Opposed: 0. Abstentions: 1. The motion passed.

2. CARROLL MARINE DEMOLITION, TISBURY (C.R. 1-2013) CONCURRENCE REVIEW

Commissioners Present: J. Breckenridge, C. Brown, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Miller, N. Orleans, L. Sibley, B. Smith.

For the Applicant: RM Packer Co. Inc., John Packer

Fred Hancock explained for the new Commissioners that a Concurrence Review is for DRI Checklist developments that are referred to the Commission, but the Commission must determine if the specific proposal is significant enough to require a public hearing by the Commission as a Development of Regional Impact.

2.1 Staff Report

Bill Veno presented the following:

- The referral was made by the Tisbury Building Inspector.
- The project location is 199 Beach Road, Tisbury.
- The applicant is asking to demolish a single-story, wood-shingle commercial warehouse built in 1954.
- The zoning is Waterfront Commercial.
- The structure is one of five on the parcel and part of the RM Packer heating fuel operations. The building is being removed to allow construction of a new building to be used as offices which are currently housed in two temporary office trailers at the other end of the property.
- The building being demolished is 2,100 square feet, which is over the 2,000 square feet DRI Checklist trigger for demolitions in a commercial district.
- An aerial image of the site was reviewed.
- The planning concern is what will replace the structure.
 - Although not part of this referral, the applicant is working with the Tisbury Site Plan Review Board on the replacement structure.
 - The current state of plans proposes a 1,962 square foot single-story building elevated four feet to clear the floodplain.
 - The plans also illustrate the applicant's interest in re-defining the curb cuts along Beach Road frontage to control internal circulation, separating the visiting customers from truck movement, and to prevent Beach Road traffic from using their parking and circulation areas as turnarounds.

2.2 Applicants' Presentation

John Packer stated that Bill Veno presented the project in its entirety and added that the new office building will be designed with Cape Cod style architecture.

2.3 Commissioners Questions

John Breckenridge asked if the structure will be built on piers. **John Packer** said it would be built on a solid foundation with radiant heat in the slab. Building on a solid foundation will help to prevent rodent issues and the radiant heat will also make the building more comfortable for the employees.

Erik Hammarlund noted that the project is located where traffic can back up from Five Corners and the bridge and hoped the applicant would consider allowing the public to use their parking lot for turnarounds, as they do now, during these backup times.

Erik Hammarlund moved and it was duly seconded to not concur with the referral and to decline designation as a Development of Regional Impact (DRI).

- **Brian Smith** noted the Land Use Planning Committee (LUPC) voted to recommend to the full Commission that the proposed demolition is not significant enough to warrant review as a Development of Regional Impact and that the Commission not concur with the referral and remand it back to the Town for action.
- **Fred Hancock** reiterated that a yes vote means that the Commission will not concur.

Roll Call Vote. In Favor: J. Breckenridge, C. Brown, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Miller, N. Orleans, L. Sibley, B. Smith. Opposed: none. Abstentions: none. The motion passed.

3. COMCAST/NSTAR HYBRID UNDERSEA CABLE-TISBURY (DRI-641) CONTINUED PUBLIC HEARING

Commissioners Present: J. Breckenridge, C. Brown, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Miller, N. Orleans, L. Sibley, B. Smith.

Brian Smith, Public Hearing Officer opened the Public Hearing at 7:15 p.m. and continued the public hearing until March 14, 2013.

4. VERIZON WIRELESS CELL TOWER-WEST TISBURY (DRI-640) CONTINUED PUBLIC HEARING

Commissioners Present: J. Breckenridge, C. Brown, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Miller, N. Orleans, L. Sibley, B. Smith.

Brian Smith, Public Hearing Officer, opened the Public Hearing at 7:16 p.m. and immediately continued the public hearing until March 21, 2013 without taking any testimony.

Doug Sederholm joined the meeting.

Josh Goldstein excused himself from the meeting as he was ineligible to vote on Barnes Evelyn Way DRI.

5. BARNES EVELYN WAY-TISBURY (DRI-411-M) DELIBERATION AND DECISION

Commissioners Present: J. Breckenridge, C. Brown, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Miller, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

For the Applicant: Clarence A. "Tripp" Barnes III

5.1 Staff Report

Bill Veno reported that LUPC met on March 4, 2013 and reviewed the list of Offers the applicant had submitted at the close of the public hearing on February 21, 2013.

- LUPC suggested rephrasing the outdoor lighting offer to make it more flexible and not restrict the applicant to use only lighting that is required by code. The applicant's Offers submitted today also adds an exception for lighting required for insurance purposes.
- Per LUPC's request, staff had drafted language regarding the easement for the applicant's consideration. The applicant did not find that language acceptable and has not included it among his offers.

There was a discussion regarding the dormant easement:

- **Ned Orleans** noted that the applicant is a member of the Commission; however the MVC should address this application in the same manner as all other applications are addressed and with regards to the easement.

- **Doug Sederholm** stated the building is on Eleanor Street [a paper easement] and wondered where the easement would go. It would be very crowded if not physically impossible in that area.
- **Fred Hancock** thought there was space where the ABC parking lot is.
- **Bill Veno** showed on an aerial image the concept of the linkage of properties between Evelyn Way and High Point Road, and possible alternatives to using the applicant's property.
- **Tripp Barnes** said the MVC needs to take into consideration that Evelyn Way is a private way, which he owns. It is almost impossible to get across in that area and if there is an easement created it would crush the septic system. Tripp Barnes also noted that he gave the Town the right for their sewer line and the road was damaged and never fixed. He showed on the aerial plan how the area is navigated and where the Town is proposing to put in a secondary road, which he thinks makes moot the idea of the easement.
- **Leonard Jason** asked how far down Evelyn Way goes. **Brian Smith** said it ends at the Fosdick property, but then you can drive to the nearby Department of Public Works building.
- **Fred Hancock** clarified that what is being discussed is an easement from parking lot to parking lot in order to get from one business to another without having to go back to State Road for access. The idea of having the dormant easement was for possible future consideration. Currently there is no need for customer parking for the applicant's property, but there is nothing to say that, in the future, that would not be the case.
- **Doug Sederholm** agreed with Ned Orleans that it is important for the MVC to be consistent with their decision making and not to favor someone who happens to be on the MVC. But there is a qualitative difference in asking for a dormant easement over a parking lot verses over a business that has activity all over it. If a dormant easement is created, the area cannot be built on. Given the nature of this operation with truck parking and loading, there is no room for a link to other properties. He finds it difficult to tell the applicant how to use a portion of his land, especially for something that has an infinitesimal possibility for ever coming into reality.
- **John Breckenridge** said if the MVC was talking about connecting retail or office spaces, a dormant easement makes sense, but this is an industrial area and it does not make a lot of sense.
- **Linda Sibley** feels that some of the dormant easements that were conditioned and already in place are borderline ridiculous. For example; Island Tire could not connect well with Shirley's Hardware. She did not think it was realistic that the Town would do this.
- **Ned Orleans** said that Doug Sederholm, John Breckenridge and Linda Sibley have convinced him and he withdraws his initial objection to the absence of a dormant easement. He said the business of what's going to happen in the future is what we used to call "long-range planning" and there is no long-range planning that has occurred here.

Doug Sederholm moved and it was duly seconded to accept the offers dated March 7, 2013 and approve the proposed development.

5.2 Benefits and Detriments

Appropriate/Essential in View of the Alternatives:

- **Christina Brown** said that moving the storage from existing location at the Airport Business Park to the proposed location will cut down significantly on truck traffic on roads.
- **Fred Hancock** said the location is perfect as it already exists in that area.

Environment:

- **Linda Sibley** noted that there is no wastewater as there are no toilet facilities in the building and it is proposed to catch runoff in dry wells and the applicant will come back with a formal stormwater plan.
- **Erik Hammarlund** said there is no detrimental effect on open space and habitat.
- **Fred Hancock** said that lighting is addressed in the conditions.
- **Linda Sibley** noted that with respect to noise the project is not in a residential district.
- **Christina Brown** said that there is no noise beyond the usual level of the operations in that neighborhood.
- **Erik Hammarlund** said there is no effect on energy since it is an unheated building.

Persons and Property:

- **Christina Brown** noted that moving the storage of items and the trucks from the airport to this location will cut down on the truck traffic on Island roads such as Barnes Road.
- **Erik Hammarlund** and **Doug Sederholm** said the project is appropriate and in character with the locale. The project shares a similar character and identity to the neighborhood.

Low and Moderate Income Housing:

- **Fred Hancock** noted that the applicant is providing housing to his employees free of charge.

Impact on Services and Burden on Taxpayers:

- **Fred Hancock** said the project increases the level of services by providing bonded warehouse space.

Consistency With and Ability to Achieve Town, Region, State Plans and Objectives:

- **Fred Hancock** said it was a Town Planning Board objective to have a dormant easement.
- **Erik Hammarlund** noted that the Town did not request the easement.
- **Ned Orleans** noted that the Planning Board did not correspond to the MVC about the easement.
- **Linda Sibley** said there is no District of Critical Planning Concern (DCPC).

Roll Call Vote. In favor: J. Breckenridge, C. Brown, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Miller, N. Orleans, D. Sederholm, L. Sibley, B. Smith. Opposed: none. Abstentions: none. The motion passed.

Tripp Barnes joined the meeting as a Commissioner.

6. NEW BUSINESS

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Miller, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

6.1 Reports from Committees

Chairman's Report

- **Fred Hancock** appointed Jim Miller as the Planning and Economic Development (PED) committee Chairman. He reminded Commissioners that, like the Land Use Planning Committee, PED has no fixed membership and all Commissioners are encouraged to attend. Meetings will be placed on the Extended Schedule and website calendar.

Compliance Committee

- **Erik Hammarlund** clarified that although a Compliance Committee meeting for next week appeared briefly on the website's calendar, the committee is not scheduled to meet until next month. They could schedule a meeting later this month.
- **James Joyce** noted that his name had been omitted from emails regarding the Compliance Committee. **Fred Hancock** and **Erik Hammarlund** stated that when they noticed that James Joyce was left off, it was corrected.
- **James Joyce** asked whether a letter was sent from the Compliance Committee to the Town of Edgartown. **Fred Hancock** said that any letter from the Compliance Committee should be discussed at a noticed meeting, not via email. **Erik Hammarlund** said that no Compliance Committee communication has gone out.
- **John Breckenridge** asked what the compliance issue with the Schifter property was. **Leonard Jason** replied that some believe that a change in a lot lines needs to be reviewed by the Commission as a modification to a DRI.
- **Erik Hammarlund** suggested that this could be discussed at a future Compliance Committee meeting.

6.2 Website

- **Erik Hammarlund** asked about the status of the MVC website.
- **Fred Hancock** said that he spoke with Mark London who has lined up some funding from two grants that can be used to update and rebuild the website. He is working on an outline of what is needed, anticipating that it be based on the existing structure. This could then be used for an RFP.
- **Erik Hammarlund** asked about the process to obtain the new website and wondered whether it would be preferable to get a new website, if a rebuild does not give us what is needed.

7. OAK BLUFFS HARBOR FUEL FACILITY (DRI-621-M) PUBLIC HEARING

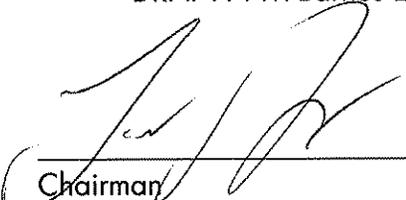
Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Miller, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

Brian Smith, Public Hearing Officer opened the Public Hearing at 8:00 p.m., read hearing notice, and immediately continued the hearing to March 14, 2013 without taking any testimony, due to weather and boat conditions.

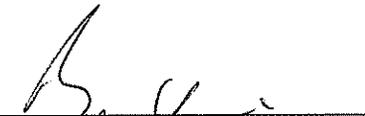
The meeting was adjourned at 8:01 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, Held on February 21, 2013
- Martha's Vineyard Commission C.R. #1-2013 Carroll Marine Demolition, MVC Staff Report -2013-03-07
- Martha's Vineyard Commission Land Use Planning Committee, Minutes of the Meeting of March 4, 2013
- Martha's Vineyard Commission DRI # 411-M Barnes Evelyn Way Expansion, MVC Staff Report – 2013-02-07
- DRI #411-M Barnes Evelyn Way Expansion – Offers, Dated March 7, 2013


Chairman

3-21-13
Date


Clerk-Treasurer

3-21-13
Date