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Minutes of the Commission Meeting Held on March 19, 2015 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 (A-Oak Bluffs)	P Joan Malkin (A-Chilmark)
P Christina Brown (E-Edgartown)	- W. Karl McLaurin (A-Governor)
- Harold Chapdelaine (A-Tisbury)	P Katherine Newman (A-Aquinnah)
P Robert Doyle (E-Chilmark)	P Doug Sederholm (E-Chilmark)
P Josh Goldstein (E-Tisbury)	P Abe Seiman (E-Oak Bluffs)
P Fred Hancock (E-Oak Bluffs)	P Linda Sibley (E-West Tisbury)
- Leonard Jason (A- County)	P Ernie Thomas (A-West Tisbury)
	P James Vercruysse (E-Aquinnah)

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Planner), Jo-Ann Taylor (Coastal Planner/DCPC Coordinator), Sheri Caseau (Water Resource Planner).

Chairman Fred Hancock called the meeting to order at 7:00 p.m.

1. MINUTES

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse.

Josh Goldstein moved and it was duly seconded to approve the minutes of February 19, 2015 with corrections as noted by Linda Sibley, namely to revise the language for line 101, "... hold a public hearing before Town Meeting but not take any action until after the Town Meeting". In favor: 13. Opposed: 0. Abstentions: 1. The motion passed.

2. ISLAND ROAD DCPC-DESIGNATION OF OLD COACH ROAD IN WEST TISBURY AS A SPECIAL WAY- PUBLIC HEARING AND VOTE

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse.
For the Applicant: West Tisbury Planning Board

Fred Hancock, Public Hearing Officer opened the public hearing at 7:05 p.m. and read the public hearing notice. The area under consideration for designation is within twenty feet of either

side of the centerline of Old Coach Road, beginning at the intersection with Old Holmes Road a.k.a. Old Mail Road at the eastern corner of Assessors Map 16, lot 125.20 and proceeding southwesterly and westerly approximately 1,850 feet to the southwestern boundary of Assessors Map 16, Lot 118 between Lot 122 and Lot 123 of Assessors Map 16, Lot 16.

2.1 Staff Report

Jo-Ann Taylor presented the following:

- The MVC accepted the nomination for consideration on February 19, 2015 for Old Coach Road to be included in the Island Roads District Special Ways Zone. Even though there is already an Island Road District and a Special Ways Zone, the geographic area included in the nomination was newly proposed and the consideration was made in the same manner as a brand new nomination.
- The nominated way shows examples of how uncontrolled or inappropriate development can alter the character or even eliminate evidence of the way. With increased vehicle use the surfaces of these pre-automobile paths get widened, graded and stabilized with hardening materials to the extent they just become another very serviceable dirt road. Additional blockage of portions of these ways would further compromise the free flow of foot and hoof passage on these ways. Their loss would be irreplaceable.
- There must be a regional need for special regulations or planning to protect the district from damage or losses by inappropriate development.
- The designation vote, if affirmative, should include Goals and Guidelines for Development, in this case the same Goals and Guidelines for the remainder of the Island Road District Special Ways Zone.
- At the acceptance of the nomination there were accounts of the special value of Old Coach Road.
- The West Tisbury Planning Board Minutes of February 5, 2015 noted that Tow Counsel has assured the Planning Board that the designation would not land lock any lots. "The designation would simply preserve and protect what is left of the portion of the road that is undisturbed for the enjoyment of walkers, bicyclists and horseback riders."
- Regarding the Specific Qualifications for a Cultural or Historic Resource District, the nomination notes that Old Coach Road connected Holmes Hole (Vineyard Haven) with North Tisbury where there was a post office in the 19th and early part of the 20th centuries. The way was a public route for the delivery of the mails.
- In making determination on designation the MVC is guided by the Critical Planning District Qualifications.
- The criteria and the actual nomination and vote of the West Tisbury Planning Board are included in the packet of information. References include the Decision Designating the Island Road District and a DCPC and Chapter 831.

2.2 Testimony from Public Officials

Harriet Bernstein, Chairman of the West Tisbury By-ways Committee said this is a lovely path and is in an area that is not developed. It deserves to be protected, especially with its historic value. People come to the Island to live with a rural lifestyle and protecting these ways is a way to preserve that lifestyle; she asked that the MVC approve the designation.

Fred Hancock, Public Hearing Officer closed the public hearing at 7:20 p.m.

Josh Goldstein moved and it was duly seconded to approve the designation as presented including the reasons in the staff report and the existing Goals and Guidelines for the Island Road District.

- **James Joyce** asked if this is just a walking trail and you cannot drive on it. When the Commissioners went to the site visit for Pine Hill (today) he did not really understand what it was and he would have voted differently so he wants to be sure on this designation.
- **Bill Veno** reviewed the site plan and the path that is nominated for special designation. At the end of the path it is possible to drive on it a bit and showed the point where it is just a walking trail. There are some remnants of the depressions where you could possibly drive on it. For the lots that were created decades ago it is not known how the Town would review them. You can cross the special way, by Special Permit, but probably would be prohibited from using it as a roadway.
- **James Joyce** asked if it would be limited in crossing the path.
- **Bill Veno** said the Town may put some conditions on it.
- **Joan Malkin** noted the part a car can go on does not lead anywhere and asked who owns the special way.
- **Bill Veno** said there is no public ownership and it is not certain if there are public rights to use it. It can be driven on to the power lines and it is only as good as your four wheel drive is. Properties on the Special Way own to the centerline.
- **Fred Hancock** said the designation does not grant public access to use it. The designation preserves it.
- **Christina Brown** asked if Old Coach Road is a developed road.
- **Bill Veno** said it is a dirt road and showed the lots and the access to the lots.

Roll call vote. In favor: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, K. Newman, S. Sederholm, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.

3. HUSEBY MT. FARM SUBDIVISION DRI-650 PUBLIC HEARING

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse.

For the Applicant: Joe El Deiry, Doug Hoehn

Linda Sibley, Public Hearing Officer, opened the public hearing at 7:30 p.m. and read the public hearing notice for DRI 650 Huseby Mountain Farm Subdivision. The applicant is Huseby Mountain Farm LLC and the proposal is to subdivide 31 acres into five lots. The public hearing process was reviewed.

3.1 Staff Report

Paul Foley presented the following:

- The applicant is Joe El Deiry and John Keene. Doug Hoehn is the surveyor.
- The packet of information includes the MVC Staff Report, a letter from the West Tisbury Planning Board to the MVC and the site plan.

- The project location is 120 and 138 Pine Hill Road, West Tisbury Map 21 Lot 8 (28.1 acres), Map 21 Lot 10.2 (3 acres).
- The proposal is to subdivide 31 acres into five lots.
- The zoning is RU- Rural Residential.
- The site plan was reviewed.
- The surrounding land use is rural residential. The property is not far from the West Tisbury Light Industrial Zone and the West Tisbury School. Pine Hill Road is a Special Way and is currently under review for an amendment to the Special Way DCPC.
- The property was part of a 45-acre farm owned by John Olsen. On March 17, 2010 Huseby LLC bought the 45-acre Olsen farm in three parcels; one 11.6 acre piece (Map 21 Lot 7), one 28.1 acre piece (Map 21 Lot 8) and one 6 acre piece (map 21 Lot 10.1).
- On August 26, 2013 Huseby LLC sold Map 21 Lot 7 (11.6 acres) to W. Bujak. Within the last year the 6-acre lot was subdivided into two 3 acre lots.
- The subdivision of the 6-acre lot 10.1 which was part of the contiguous and related 28.1-acre Lot 8 (total 34.1 acres), both owned by Huseby LLC, should have been referred to the MVC for mandatory DRI Review under 2.3 (subdivision of 30 acres or more which is allowed up to five lots provided they are irrevocably prohibited from further division) and 24.c (division of farmland identified as Prime Agricultural Soils).
- The proposal is to subdivide the 31.1 acres into five lots. The new lots would include one 10 acre lot, one 9 acre lot, one 7.5 acre lot, one 3 acre lot and one 1 acre "home site" lot for a person earning less than 100% AMI.
- Approximately half of the 31 acres is split between two fields and the rest is woods.
- The DRI was referred by the West Tisbury Planning Board.
- The DRI trigger is 2.3 (Division of 10 to 30 acres) and 2.5 (Division of Habitat) and 2.3 is a mandatory DRI.
- A site visit was done on March 19, 2015.
- Key Issues.
 - Farm Land: Much of the site is either former farm field or prime agricultural soils. The applicant has said it is their intention to preserve the land to the greatest degree as possible. Will the fields be farmed?
 - Development Envelopes: On some lots there are multiple development envelopes to accommodate a house and a guest house. Can the entire development envelopes be cleared and developed? Are areas outside of the development areas protected as "no disturb" areas?
 - Habitat: Much of the site (all except farm fields) is National Heritage Endangered Species Program (NHESP) habitat.
 - Rural Character: Pine Hill Road is an ancient way that is proposed to become part of the West Tisbury Special Ways DCPC. The applicant has been in discussions with the West Tisbury Planning Board for the plan to include a 50 foot no cut buffer along Pine Hill Road.
 - Access: Access to the two smaller lots would be at the end of a rural dirt ancient way. Will Pine Hill Road continue to be a typical Vineyard rural dirt road? If the Town adopts the extension of the Special Way DCPC along Pine Hill Road will the applicants be able to access Lot 4 (3 acres) off of it? What material will the private ways connecting the three large lots be?

- Wastewater: The property is in the Tisbury Great Pond Watershed which is a compromised pond. Due to the compromised situation of the pond the total amount of bedrooms allowed by the MVC Nitrogen Policy is limited to 18 to 21 even with denitrification systems. The applicant had proposed up to 26 total bedrooms.
- The project (not including the 3 acres carved off earlier) would be eligible for 22 bedrooms total for all houses and guesthouses if all houses had a denitrifying septic system. A house with a denitrifying septic contributes 1.1 kg/yr/bedroom (24.8 kg/yr/1.1kg/yr/bedroom = 22.54 bedrooms).
- Two of the processed lots would be accessed from Pine Hill Road and the three large lots would be accessed from a new private road extended through an abutting property.
 - The new one acre “home site” Lot 5 will share an existing access with Map 21 Lot 10.1 and the new three acre Lot 4 is proposed to have its own curb cut off of Pine Hill Road. Pine Hill Road will remain a rural dirt road.
 - After this property there is one more house on Pine Hill Road after which the road turns into a walking path.
- The Tisbury Great Pond Watershed was reviewed.
- Site visit photos were reviewed in detail. The existing Pine Hill Road was shown where it turns into a trail.

3.2 Applicant’s Presentation

Joe El Deiry presented the following.

- The property is located next to John Keene Excavating.
- The old Olsen farm (45 acres) was purchased with the intent to preserve it the best as we possibly could. Although it was purchased as three lots we wanted to sell the 45 acres in it’s entirety. They did not receive any serious offers for the 45 acres.
- Someone approached us to sell the 11 acres with the existing structures and barns and Wendy Bujak bought the property and is renovating the structures.
- For the six acre parcel we wanted to divide it into two 3 acre lots and sold one to John Keene’s employee.
- In July they were approached by someone to see if they were interested in subdividing because someone was interested in its use for a horse farm and they decided to pursue that avenue as we did not have any interest in the remaining 31 acres.
- They have imposed their own restrictions. A no-build restriction has been included in the covenants for the northwest corner of the largest lot to push development away from the property that is granting access to it. Guest houses would be allowed on the three large lots. The fields would be left largely in their natural state and the building envelopes would accommodate the fields. The building envelopes are along the perimeter of the fields or in the woods.
- A one-acre “homes site” lot is being provided for a household earning 100% AMI or less.
- Paul Foley did a good job explaining the access. The access for the three larger lots is off Old Stage Road, two lots are off Pine Hill Road and the one acre residential “home site” is to share the roadway with the Araujo lot.
- They went to the West Tisbury Planning Board to discuss access for the 3 acre lot with a separate curb cut and to put in a 50 foot no disturb zone on the resident lot. It didn’t make sense to put in a parallel driveway.

Linda Sibley noted that the Commission received a letter from the West Tisbury Planning Board approving the curb cut.

Doug Hoehn presented the following.

- Before Joe El Deiry purchased the property it was on the open market and interested parties did approach Schofield, Barbini and Hoehn to survey the property for large scale 40B housing projects.
- John Keene said one way to preserve the property was to purchase it.
- The property is a moth habitat and NHESP has a five acre threshold. The building envelope and the roads have been reviewed by NHESP and we have received their informal preliminary approval. They have kept the disturbance area below five acres.
- Nitrogen issues.
 - The nitrogen load was originally figured based on the 31-acre subdivision and it did not include the 3-acre lot owned by Mr. Araujo. The calculations allowed 22 bedrooms.
 - The applicant would like to have more than 22 bedrooms but not much more.
 - The applicant has talked with Sheri Caseau and Joe El Deiry has spoken with the Micro Fast people on some of their products.
 - Currently DEP permitted units are required to extract 55% nitrogen from wastewater.
 - The applicant would like to have 27 bedrooms and if the more effective denitrification is used it calculates to 27 bedrooms.
 - The applicant just received information on another product which is a membrane enhanced unit which extracts more nitrogen and is estimated to take out double of what the MVC nitrogen policy allows.
 - Sheri Caseau also just received this information and they are asking the MVC to allow them to work with Sheri Caseau and take the information back to LUPC.
 - With the Araujo property included, 19 bedrooms are allowed and with a 31 acre subdivision, that is limiting, so the applicant would like to work the calculations out with Sheri Caseau.

Joe El Deiry added that John Rollin said Barnstable County has noted that the minimum amount removed with these new systems was 55% but most removed 75% to 80% of the nitrogen load.

3.3 Commissioners' Discussion

There was a discussion about the new nitrogen reduction systems.

- **Josh Goldstein** asked for clarification on the representative stating the new membrane system is capable of removing more nitrogen.
- **Joe El Deiry** said the membrane system leaves 9 parts per million.
- **Doug Sederholm** asked if that calculation is the manufacturer's representation.
- **Doug Hoehn** said that John Rollins is retired but he has been in the industry and this line of work for years.
- **Doug Sederholm** noted that the nitrogen load is one of the most important if not the most important issue on this application and it should be reviewed.
- **Doug Hoehn** reiterated that the applicant had just received the information on the new systems and it has not yet been reviewed completely.
- **Fred Hancock** asked if the state has to certify the numbers for the new systems.

- **Doug Hoehn** said it was his understanding that the state has certified the numbers. It is the applicant's hope that there would not be a continued public hearing for this issue and the calculations could be worked out with Sheri Caseau.
- **Linda Sibley** said the nitrogen load is a large enough issue that it should be reviewed in a public hearing and it is not fair for the public not to have a chance to comment at a continued public hearing.
- **John Breckenridge** asked if the 55% is based on a full year use or seasonal use and as the applicant works through the numbers and works with Sheri Caseau would the applicant be able to make an offer that they will remove "X%" and set that as the goal.
- **Joe El Deiry** asked if the nitrogen numbers are reduced would we be able to increase the number of bedrooms.
- **Doug Sederholm** said the applicant can make the request with assurance of the numbers and maintenance of the system.
- **Fred Hancock** asked if those requirements would become part of the applicant's proposal to the MVC with the number of bedrooms by lot.
- **Joe El Deiry** confirmed assurance of the nitrogen numbers, the maintenance of the system and the number of bedrooms per lot would be included in the proposal.
- **Doug Hoehn** said the proposal would be for 7 lots on 45 acres which would be an increase of 4 lots over from when the applicant purchased it and for 45 acres that is a low density.

Linda Sibley noted that Pine Hill Road is already designated as a Special Way and that caused a development moratorium and that affects Lot 4 and 5. That moratorium ends when Town Meeting votes.

James Joyce asked if the lots can be further subdivided. **Doug Hoehn** said that is correct but the Bujak property is no longer under the control of John Keene.

There was a discussion about the residential home site lot.

- **Joe El Deiry** said Lot 5 is the residential home site lot and it was their concern to help an Island resident to have a residential lot. But if they were required to put in a \$30,000 septic system that could be cumbersome. Perhaps it can be kept as a two bedroom house and is it possible to redefine how that lot will be treated with regards to nitrogen.
- **Linda Sibley** said that would have to be worked out with Sheri Caseau.
- **Mark London** noted that the Water Quality Policy provides for an extra allocation for affordable housing that the applicant can review with Sheri Caseau.
- **Joan Malkin** questioned having a restriction of a two bedroom house for the residential lot.

There was a discussion about National Heritage Endangered Species Program (NHESP).

- **Christina Brown** asked for more information on what NHESP is asking for in order to protect the property.
- **Doug Hoehn** said the project will require protection of the moths and pitch pine, so everything will need to be protected except the fields.
- **Joan Malkin** asked who certifies that the five acres is not disturbed.
- **Doug Hoehn** said it is recorded and noted to be preserved forever.
- **Paul Foley** reviewed the map and showed the area that is protected habitat.

- **Christina Brown** asked if the applicant is preserving the pitch pines.
- **Linda Sibley** said the applicant is taking less than five acres of the pitch pine.

Doug Sederholm asked when the MVC adopted the nitrogen policy. **Mark London** said it was a written policy in 2007 but was applied for a long time prior to that date. **Linda Sibley** noted that Mark London and Sheri Caseau should clarify the date at the continued public hearing.

3.5 Testimony from Public Officials

Sue Silva, West Tisbury Planning Board member, said the MVC received a letter from the Chairman of the West Tisbury Planning Board. She has a letter from Porter Thompson that she will leave with the MVC. Mr. Thompson did a Form A subdivision in 2005 but it was not registered and she did not know if that has a timeline. Sue Silva also noted that this stretch of road has been used as a driveway for vehicular access.

Linda Sibley noted that it enables the ability to receive a special permit. **Fred Hancock** read the policy allowing for a special permit.

Harriet Bernstein, Chairman of the West Tisbury By-ways Committee, said the committee had a meeting last night (March 18, 2015) to discuss the special curb cut. It had been thought that a parallel road might be less invasive than a separate curb cut, but now that there is an offer for a 50 foot buffer, the West Tisbury By-ways Committee would like the MVC to consider the pros and cons of both options.

Joe El Deiry noted that if they had to do the parallel road they would not be able to grant the 50-foot buffer.

Rez Williams, West Tisbury By-ways Committee member, said beyond the historic value there is an aesthetic value to this property. The path looks like the original cart path and when used for vehicular traffic it is turned into a dirt road and loses the aesthetic value. If it is possible to find other routes for access it should be tried to do that.

3.6 Public Testimony

Lucas Bailey said his folk's property abuts Lot 4 and 5 of Pine Hill Road. He asked that it be considered that there is a house and the access could be of concern especially for the future. His family has had to deal with the issue of illegal access to their road, Halcyon Way.

There was a discussion about the access to the Bailey property.

- **Doug Sederholm** asked Lucas Bailey if his parents access from Old Dirt Road.
- **Lucas Bailey** said they access from Halcyon Way.
- **James Vercruysse** asked if there is a cut thru from Old Halcyon to Dirt Road.
- **Lucas Bailey** said there is, it is not formal but does happen in the summer with seasonal people.
- **Joe El Deiry** said Mr. Bailey's parents came to them with concerns about lights coming into their bedrooms, so they planted five large cedars to help mitigate the situation.
- **Fred Hancock** noted that when on the site visit it was said that perhaps there would be some shared access with the Thompson property for Lot 4.
- **Joe El Deiry** said that plan was never formalized creating frontage on Pine Hill and if it becomes a special way he did not know if that would become a land lock situation. He

would like to leave that up to the Planning Board to determine where the curb cut would be shared.

Linda Sibley, Public Hearing Officer continued the public hearing until April 2, 2015 for the purpose of discussing the number of bedrooms and the nitrogen issues. If the public would like to make any comments she asked that they submit them in writing.

Josh Goldstein excused himself from the meeting.

Fred Hancock, Chairman recessed the meeting at 8:40 p.m. and reconvened at 8:45 p.m.

4. ISLAND ROAD DCPC-DESIGNATION OF SPECIAL WAYS IN WEST TISBURY- WRITTEN DECISION

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse.

Linda Sibley moved and it was duly seconded to approve the written decision of the Martha's Vineyard Commission designating Pine Hill Road, Red Coat Hill Road/Motts Hill Road and Shubael Weeks Road as Special Ways in the Island Road District of Critical Planning Concern – Special Ways Zone. Roll call vote. In favor: T. Barnes, J. Breckenridge, R. Doyle, F. Hancock, J. Malkin, K. Newman, D. Sederholm, A. Seiman, L. Sibley, E. Thomas., J. Vercruysse. Opposed: J. Joyce. Abstentions: C. Brown. The motion passed.

5. BARNES EVELYN WAY DRI-411-M3 MODIFICATION REVIEW

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse.

Trip Barnes recused himself from the meeting.

Fred Hancock, Chairman reminded the Commissioners that a modification is to first decide if the modification does or does not require a public hearing and then another motion is required to approve the modification to the DRI.

5.1 Staff Report

Paul Foley presented the following.

- The proposal is to lift a small dwelling in the air and create industrial storage on the ground floor.
- An existing one story ranch house with three bedrooms was built in 1947. A proposal to construct a 2,310 s.f. metal warehouse addition on a one acre property with an existing 5,600 s.f. metal warehouse was approved with conditions in 2013. The conditions included downward shielded exterior lighting, a stormwater management system, retaining an existing pine tree and creating a vegetative buffer along the border with Map 22A Lot 25 and continuing to supply free housing to 9 to 10 employees.
- The site plan was reviewed.

- On March 9, 2015 LUPC voted to recommend to the full Commission that the proposal does not rise to the level of regional impact to need a public hearing and to approve the minor modification.

Linda Sibley moved and it was duly seconded that the modification does not rise to the level requiring a public hearing. Voice vote. In favor: 12. Opposed: 0. Abstentions: 0. The motion passed.

John Breckenridge moved and it was duly seconded to approve the modification plans as presented.

- **Christina Brown** asked as a point of clarification will this building be subject to the same conditions of the previous building.
- **Paul Foley** said all conditions apply.

Roll call vote. In favor: J. Breckenridge, C. Brown, R. Doyle, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.

Trip Barnes rejoined the meeting.

6. ISLAND INN STAFF HOUSING DRI-150-M MODIFICATION REVIEW

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse.

For the Applicant: Maurice O'Connor (Architect)

6.1 Staff Report

Paul Foley presented the following.

- The proposal is to add six shared seasonal staff bedrooms able to house 8-12 employees in the basement of Building G.
- The architect has written a letter to the Building Inspector and the Fire Chief regarding the fire protection determination and a letter has been received from Cooper Environmental Services, LLC regarding the septic system capacity.
- The MVC originally approved with conditions the Island Country Club (DRI 150) proposal to build a hotel/motel building containing 24 units on December 16, 1982. The condominium units have to rent as a motel/hotel would.
- The project is to renovate some existing storage to add six shared seasonal staff bedrooms able to house 8 to 12 employees in the basement of Building G. One of the six units would be for the manager. The other five units would consist of three units with two beds and two units with one bed. There would be two shared unisex bathrooms and a shared kitchen. There would be no change to the building footprint.
- The project is close to wetlands but not in the wetlands.
- The existing Building G was reviewed as well as the proposed floorplan.
- Key issues include whether it is okay to have residential units in a basement without windows and can the septic system handle the additional usage.
- Doug Cooper looked at the septic system and has sent a letter noting that "even when inspected during the height of the season, the leaching pits have been observed to be operating at or below 50% capacity".

- LUPC met on March 15, 2015 and voted to recommend to the full Commission that this modification does not require a public hearing review as a DRI as long as the proposal is reviewed and approved by the Town Fire Chief and the State Fire Marshall and the Town Building Inspector.

6.2 Applicant's Presentation

Maurice O'Connor presented the following.

- The Island Inn asked him to look to see what could be done for the summer season for staff housing.
- The applicant still needs to work with the state regarding the sprinkler systems and the windows but it looks like the project can be achieved.
- The issues are with light and ventilation. Under the building code both can be provided artificially. For egress the building code states there is to be a window in the bedroom but in the commercial code there is an exception if the building is sprinklered.
- Per the law, if the building is over 7,500 s.f., if a major alteration is done, you do not need to sprinkler the whole building. The applicant went to the Building Inspector and per the state if over 33% of the area of the building or the cost of the building will determine if the project is a major alteration. The proposal is 4% of the cost of the building and 7% of the area of the building, so it is well under the threshold.
- It looks like only the project area will need to be sprinklered at a cost of \$17,000 versus a cost of \$40,000 for the whole building. The budget for the project is only \$160,000. The Building Inspector is working with the applicant on how the alarms are established and it is planned to submit the alarm and sprinkler drawings to the state for review.
- Egress is an issue but the path of travel determines the number of exits that are needed. Normally you are only required to have one exit if under 7,500 s.f. but the proposal will have two exits. If more sprinklers are provided and also at the exits, a compliance alternative would be granted and that allows the applicant to move forward.
- The residents will have use of the entire floor when there are not any functions and functions are only held 1 to 2 times per week. They can also utilize the outdoor area. There are other areas with windows that the residents have access to as well.

6.3 Commissioners' Questions

There was a discussion about the required approvals needed for having housing located in a basement.

- **Katherine Newman** said the access looks like it is on two sides and asked if those are the doors for egress and if the plan shows the correct location of the bedrooms.
- **Maurice O'Connor** confirmed and reviewed the floor plan.
- **Katherine Newman** asked if clarification was received from the Fire Department.
- **Maurice O'Connor** said the applicant has not received the approval but has been working with the Fire Chief. The narratives and the drawings need to be compiled and the Fire Chief will send to Boston to review and then the determination will be made.
- **Katherine Newman** asked if the MVC can make a decision without that determination.
- **Fred Hancock** said if the State Fire Marshall doesn't approve, the applicant cannot get a building permit.

Doug Sederholm asked what the season is for this housing. **Maurice O'Connor** said it is from March 27 to October 31.

There was a discussion about housing for summer employees.

- **Abe Seiman** asked if there has been a problem before to hire summer help without having housing.
- **Bob Saul**, Engineering Manager for the Island Inn said the help is on H-2B Visas and it has been difficult for them to find housing. They are very low-paid employees. Last year part of the manager's cottage was used for housing. A percentage of their pay will be taken out to help pay for the housing.
- **Abe Seiman** asked if the applicant knows if the summer employees would want to live in this type of space.
- **Bob Saul** said from what he has heard the current housing is not great and the proposed is much better. The laws have also changed for H-2B Visa and housing has to be guaranteed.

Doug Sederholm asked if part of the proposal by the owner is a maximum occupancy number for these rooms. **Bob Saul** said last year there were 12 employees and having these rooms will help to attract employees. The manager housing that is part of the proposal is to help control and oversee the rooms.

James Vercruyse said he counted nine beds on the plan but the proposal is for twelve employees and asked for clarification. **Maurice O'Connor** said the drawing shows nine beds but the applicant wants the flexibility to put two persons per room for a total of twelve occupants.

James Vercruyse asked if this will be contract housing. **Bob Saul** the project is financed by Edgartown National Bank and the employees will be paying rent which will pay the mortgage.

Fred Hancock wanted to ask Sheri Caseau about the wastewater but did hear at LUPC that it does not drain into Sengekontacket but drains into the ocean.

Joan Malkin asked with regards to the lighting and ventilation if the building code allows for this. **Maurice O'Connor** said it can be provided by artificial means and the occupants will have additional areas with windows that they can use.

There was a discussion about receiving approval from the State Fire Marshall and safety.

- **Robert Doyle** asked if the MVC can wait to make a decision until there is a ruling by the State Fire Marshall as this is a safety issue and it makes him uncomfortable.
- **Joan Malkin** asked if there is some reason to act now before the State Fire Marshall approval is received.
- **Doug Sederholm** thought the MVC could approve contingent on the State Fire Marshall's approval.
- **Maurice O'Connor** said the facility is very safe. All exterior walls are concrete and the floor above (the ceiling) is also concrete. All of the area is sprinklered and there are door sprinklers. The occupants will be familiar with the location of the exits.
- **Doug Sederholm** asked if there will be emergency lights.
- **Maurice O'Connor** said there will be emergency lights and alarms.

James Joyce moved and it was duly seconded that the modification does not rise to the level requiring a public hearing.

- **James Vercruysse** said it bothers him that the occupants will be paying the mortgage for the project.
- **Trip Barnes** thought it was rent that would be used to pay the mortgage.
- **Joan Malkin** said the obligation of the employees is to have a deduction from their pay that would be for rent.
- **Bob Saul** said that is correct. There would be a deduction from the employees pay for rent.

Voice vote. In favor: 13. Opposed: 0. Abstentions: 0. The motion passed.

John Breckenridge moved and it was duly seconded to approve the modification as proposed with the stipulation that the applicant receives approval from the State Fire Marshall and a building permit from the Town of Oak Bluffs and the employee housing is for no more than twelve occupants to be used as seasonal housing.

- **James Joyce** applauds the effort of the applicant for coming up with a solution for a large problem. The Island needs more of this.
- **Katherine Newman** said she hears the need for low cost employee housing but is concerned about having employees living in "bunkers".
- **Linda Sibley** said in the summer this is nice housing compared to some.
- **Abe Seiman** asked if summer employees have previously been charged for housing.
- **Bob Saul** said as far as he knows it has been done. Rental housing was found for the employees, it was not done at the Island Inn. The proposed housing will be neat and clean and meets all codes. It will be brand new housing. There will be outside and common areas for their use. The summer employees usually work two to three jobs so they will primarily be sleeping and eating at the proposed housing.

Roll call vote. In favor: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, E. Thomas, J. Vercruysse. Opposed: A. Seiman. Abstentions: none. The motion passed.

7. MV COMMUNITY SERVICES BUILDING DRI-600-M3 MODIFICATION REVIEW

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse.

7.1 Staff Report

Bill Venno presented the following.

- The proposal is to construct a new 2,400 s.f. building on the M.V. Community Services campus to house the Island Wide Youth Collaborative (IWYC) at the back of the property. A similar proposal at the front of the property was remanded to the Town in January 2015.
- The site plan for the original proposal was reviewed.
- M.V. Community Services heard comments about the building be close to the road so they have placed it in the back of the facility.

Joan Malkin noted that the staff report states the proposal will use existing parking spaces but questioned the addition of parking shown on the plan. **Mark London** reviewed the addition of eight parking spaces and showed the location on the site plan.

7.2 Land Use Planning Committee Report (LUPC)

Linda Sibley, LUPC Chairman said LUPC voted unanimously to recommend to the full Commission that the proposal does not require DRI review through the public hearing process and to approve the minor modification.

John Breckenridge moved and it was duly seconded that the modification does not rise to the level requiring a public hearing. Voice vote. In favor: 12. Opposed: 0. Abstentions: 1. The motion passed.

Linda Sibley moved and it was duly seconded to approve the proposed change as presented. Roll call vote. In favor: T. Barnes, J. Breckenridge, C. Brown, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, A. Seiman, L. Sibley, E. Thomas, J. Verduyck. Opposed: none. Abstentions: R. Doyle. The motion passed.

8. NEW BUSINESS

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, A. Seiman, L. Sibley, E. Thomas, J. Verduyck.

8.1 Reports from Committees and/or Staff

Executive Director Search Committee

Doug Sederholm, Chairman presented the following.

- The committee met on Saturday March 14, 2015, recessed and reconvened on Sunday March 15, 2015. The weekend was devoted to preliminary screening interviews of potential candidates.
- The committee will meet on March 26, 2015 at 6:45 p.m. to formally vote on the individuals to recommend to the full Commission for interviews and the recommended list will be presented to the Commission at the MVC meeting on March 26, 2015.
- All of the candidates are highly qualified. The committee was very pleased by the quality of the applicants and the interaction with the search committee.
- The screening interviews were held in Executive Session to protect the confidentiality of the candidates.
- The search committee will meet on March 24, 2015 at 5:45 p.m. to review and finalize the interview questions for the full Commission interviews of the candidates.

Fred Hancock noted that the full Commission interviews will be a two-day event. The interviews will be on April 8, 2015 at 5:00 p.m. and on April 9, 2015 at 6:00 p.m. The decision is scheduled to be made on April 9, 2015. If a Commissioner does not participate in all of the candidate interviews that Commissioner cannot vote on the selection.

James Joyce asked for a review of the candidate selection process. **Doug Sederholm** said the committee started with 33 candidates. Nine of those candidates were invited for screening

interviews. Three of the nine candidates withdrew as they had found other positions. The remaining six candidates were interviewed and the search committee will recommend a smaller number of candidates to the full Commission. On March 26, 2015 the final candidates will be announced on behalf of the search committee. The search committee has been delighted with the recruiter (the Collins Center at UMass Boston) and its point person, Mary Aicardi.

John Breckenridge noted that the recruiter's professionalism was outstanding and that will allow the Commission to shine in this process.

Planning and Economic Development (PED) Committee


Joan Malkin, Chairman said she met with Mark London and the MVC staff on what PED could do to help them and the Commission. At the meeting it was discussed what could be done now and in preparation for the new Executive Director. One proposal is to take the Island Plan and prepare a report card on where things stand, including MVC staff suggestions on what would be beneficial to work on. Once the report card is received, PED will call a meeting so the committee can move forward on what to work on.

The meeting was adjourned at 9:35 p.m.

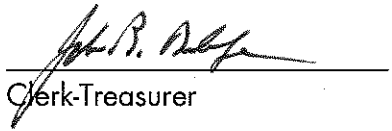
DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, Held on February 19, 2015
- DCPC Designation in the Town of West Tisbury, Island Road District Special Ways Zone, MVC Staff Notes , Dated March 19, 2015
- Town of West Tisbury DCPC Nomination (old Coach Road) , Dated February 5, 2015
- West Tisbury Planning Board Minutes February 5, 2015
- Martha's Vineyard Commission DRI #650 Huseby Mt. Farm Subdivision MVC Staff Report – 2015-03-19
- Town of West Tisbury Planning Board Letter, Subject; Huseby Mountain Farm LLC, proposed Form C Application; 5 lot subdivision Map 21 Lot 8 & 10.1, Dated February 6, 2015
- Overlay Plan, Huseby Mountain Farm LLC, Dated February 6, 2015
- Decision of the Martha's Vineyard Commission Designating Pine Hill Road, Red Coat Hill Road/Motts Hill Road and Shubael Weeks Road as Special Ways in the Island Road District of Critical Planning Concern-Special Ways Zone, February 19, 2015, Draft 2 2015
- Martha's Vineyard Commission DRI #411-M Barnes Evelyn Way Expansion MVC Staff Report – 2015-03-19
- Martha's Vineyard Commission DRI #150-M Island Inn Staff Housing MVC Staff Report – 2015-03-19
- Letter from Maurice O'Connor Architect to Oak Bluffs Fire Chief, Dated March 12, 2015, re: Fire Protection Determination for "Building G" Employee Housing Alteration, The Island Inn
- Letter from Cooper Environmental Services, LLC, Dated March 12, 2015, re: Island Inn Building "G"

- Martha's Vineyard Commission DRI # 223-M2 M.V.C.S. New I.W.Y.C. Building MVC Staff Report – 2015-03-19


Chairman

4-7-15
Date


Clerk-Treasurer

4/8/15
Date