



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 April 2, 2015
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 Tripp Barnes (E-Tisbury) | P James Joyce (A-Edgartown) |
| P John Breckenridge (A-Oak Bluffs) | - Joan Malkin (A-Chilmark) |
| - 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) | - Abe Seiman (E-Oak Bluffs) |
| P Fred Hancock (E-Oak Bluffs) | P Linda Sibley (E-West Tisbury) |
| P Leonard Jason (A- County) | P Ernie Thomas (A-West Tisbury) |
| | - James Vercruysse (E-Aquinnah) |

Staff: Bill Veno (Senior Planner), Paul Foley (DRI Planner), Sheri Caseau (Water Resource Planner).

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

1. EXECUTIVE DIRECTOR SEARCH COMMITTEE RECOMMENDATION OF FINALISTS QUESTIONS

Commissioners Present: T. Barnes, J. Breckenridge, R. Doyle, J. Goldstein, F. Hancock, L. Jason, J. Joyce, K. Newman, D. Sederholm, L. Sibley, E. Thomas.

Doug Sederholm, Chairman of the Executive Director Search Committee presented the following.

- The committee met on Tuesday March 31, 2015 to review and finalize the questions to pose to the finalists at the interviews.
- The committee came up with eight questions to ask the candidates and felt it was fair that all candidates be interviewed with the same questions.
- The initial questions that were asked of all the candidates were reviewed and then the interview questions for the finalists were formulated. The questions will result in the finalists discussing their experience with planning and permitting as well as their experience with public relations and management and staff.
- In addition to the eight questions, Commissioners can ask follow-up questions and the candidates will also be able to pose questions to the Commission.
- On Wednesday April 8, 2015 at 5:00 p.m. three candidates will be interviewed: Deborah Melino-Wender, Adam Turner and Peter Temple.

- On Thursday April 9, 2015 at 6:00 p.m. the Commission will interview Brad Washburn and then will have a discussion and finalize the selection decision.
- The interviews have been scheduled for 1 hour and 15 minutes for each candidate, which also allows for interaction with the Commission.

2. HUSEBY MOUNTAIN FARM SUBDIVISION DRI 650 CONTINUED PUBLIC HEARING

Commissioners Present: T. Barnes, J. Breckenridge, R. Doyle, J. Goldstein, F. Hancock, L. Jason, J. Joyce, K. Newman, D. Sederholm, L. Sibley, E. Thomas.

For the Applicant: Joe El Deiry, Doug Hoehn, Chris Alley.

Linda Sibley, Public Hearing Officer opened the continued public hearing at 7:05 p.m.

2.1 Staff Report

Paul Foley presented the following.

- There was a question about the number of bedrooms for the project. The applicant discovered there is a new bio-barrier system that can get the nitrogen to 9mg/l.
- The bio-barrier system has been provisionally approved by the Department of Environmental Protection (DEP).
- According to the MVC Water Quality Policy, the affordable housing lot could be eligible for a 50% increase in bedrooms (i.e. if it is allotted two bedrooms they could increase to three without impacting the bedroom counts for the rest of the lots). However, the applicants have asked that the "homesite" lot be allowed two bedrooms and not have to use the denitrifying septic system.

Sheri Caseau presented the following.

- The applicant will only be using the bio-barrier system if they want to increase the number of bedrooms.
- The bio-barrier system is under a provisional permit and it is costly so the applicant decided to go with six bedrooms on the three large lots. They will be just at the nitrogen load limit.
- After consultation with the applicant, they have decreased the number of bedrooms requested for the larger lots from seven to six.
- This decrease along with additional conditions would allow the applicant to meet the MVC Water Policy nitrogen load for this property with a total of 24 bedrooms. All properties with the exception of the "homesite" lot will have a denitrifying septic system that reduces nitrogen to 19 mg/l or below.
- If the owners of lots 1,2, or 3 would like to increase the bedroom count above six, but not to exceed ten, then a bio-barrier system or similar system would be required. These systems reduce the nitrogen to 9 mg/l.
- The applicants have asked that the "homesite" lot be allowed two bedrooms and not have to use a denitrifying septic system.
- Micro fast systems will be used for the project. The DEP has certified these systems at 19 mg/l but usually they are getting lower nitrogen numbers.

2.2 Commissioners' Discussion

There was a discussion about the bio-barrier system and the number of bedrooms.

- **John Breckenridge** asked what type of approval has been given for the bio-barrier system that is noted under number 3 of the Possible Conditions for Consideration.
- **Chris Alley** said it is called a pilot approval which is before a provisional approval is granted. Once the nitrogen numbers are reached then a provisional approval is given. A provisional approval cannot be received until there are 15 successful pilot projects. A general approval is received after pilot and provisional approvals. Two years of testing is required.
- **Doug Sederholm** asked what happens if the property gets to ten bedrooms but the system doesn't receive a general approval.
- **Joe El Deiry** said if more than six bedrooms are put in, then a bio-barrier system has to be installed. All of the proof to date shows the bio-barrier system achieves 9 mg/l of nitrogen.
- **Doug Sederholm** asked what happens if the house is built and for whatever reason does not get a provisional or a general approval after two years of testing.
- **Joe El Deiry** said approval is required by the Board of Health and the septic would be designed so the building permit could be obtained.
- **Doug Sederholm** asked what happens when DEP gives a pilot approval, a permit is obtained from the Board of Health as well as a building permit; can ten bedrooms be built?
- **Leonard Jason** said it would be a six bedroom house and cannot go to a ten bedroom house until approval is received.

There was a discussion about the Possible Conditions for Consideration.

- **Doug Hoehn** said the applicant is okay with the Possible Conditions for Consideration except for numbers 7 and 8 which are overly restrictive.
- **John Breckenridge** asked if the applicant would be willing to incorporate all of the Possible Conditions for Consideration into their offers with the exception of numbers 7 and 8.
- **Doug Hoehn** said the applicant would be open to that.
- **Katherine Newman** asked why numbers 7 and 8 were added.
- **Paul Foley** reviewed the site plan and said the MVC staff reviewed the Possible Conditions for Consideration and included numbers 7 and 8 for consideration.
- **Sheri Caseau** added that there was also a concern with traffic for Lot 2.

There was a discussion about the size of the building envelopes.

- **Paul Foley** said the building envelopes are very large so there was a concern to ensure habitat preservation.
- **Joe El Deiry** said the building envelope is 12% of the total area and a big part of the applicant's goal is to preserve the home sites and give people options. It is not anticipated that people will be clear-cutting the entire area. The reason lot 3 is as big as it is, is because the building envelope is the only wooded area of the lot and is the only spot to put a house and a guest house. The goal is also to not disturb the fields.

- **Doug Hoehn** said the applicant wants to suggest having an option for the “homesite” house to go to three bedrooms with enhanced treatment on the lot. It would be an alternative; three bedrooms with a denitrifying system and two bedrooms without.
- **Joe El Deiry** added that a three bedroom house with a denitrifying system would have a lower nitrogen load than a two bedroom house without. They would like to be able to offer that option to the homeowner if the homeowner could afford it.

Linda Sibley noted that the applicant would need to incorporate the Possible Conditions for Consideration into their offers and clarify what an improved system means as well as clarification for the “homesite” lot of two bedrooms with an option for three bedrooms with a denitrifying system.

Linda Sibley, Public Hearing Officer, closed the public hearing leaving the written record open until 12:00 p.m. on April 10, 2015. LUPC will be scheduled for April 13, 2015 and Deliberation and Decision on April 16, 2015.

Fred Hancock, Chairman noted that he will not be available on April 16, 2015 and James Vercruysse, Vice Chairman will also not be available. He has asked Doug Sederholm to chair the Commission meeting on April 16, 2015.

Doug Sederholm recused himself noting that he represents an individual that is in an employment dispute with the Hospital. Robert Doyle recused himself due to a conflict.

3. M.V. HOSPITAL CLINIC AND PARKING DRI 324-M4 - MODIFICATION REVIEW

Commissioners Present: T. Barnes, J. Breckenridge, J. Goldstein, F. Hancock, L. Jason, J. Joyce, K. Newman, L. Sibley, E. Thomas.

For the Applicant: Sean Murphy (Attorney), John Murray (Project Manager), John Lolley (Engineer).

3.1 Staff Report

Paul Foley presented the following:

- The packet of information contains the MVC staff Report, the Modification Request Summary of Proposal and a letter from the engineer on the drainage issue.
- The proposal is to convert the former Emergency Room to a walk-in clinic and add 13 employee parking spaces in the Eastville lot and a second 14-space parking area between two wings of the old hospital. The applicant is also asking for a modification to the lighting conditions from DRI 324-M and working to correct the status of Hospital Road as a public way.
- The site plan was reviewed.
- A compliance issue is the original lighting condition, which had a 12-foot height limit. Many of the lights are over 12 feet in overall height. The poles themselves are 12 feet high but they are on pedestals so the total mounted height exceeds the 12-foot height limit.
- A 13-space employee parking area is proposed adjacent to the Eastville parking lot in a nook in the building that formerly housed a stormwater swale, generators, and equipment. There are 4 existing parking spaces that will be impacted so it is a net increase of 9 parking spaces.

- A second parking area of 14 spaces is proposed between two wings of the old hospital that is currently mostly vegetated. It will require the removal of two existing spaces for a net increase of 12 spaces.
- The applicant is also asking for a modification to the DRI 324-M lighting conditions. They are proposing to lower ten lights that impact the properties on Windermere Road on or before July 1, 2015 to the lowest height possible with a maximum height of 12 feet and request that the rest of the existing lights remain as installed.
- When the new Hospital was built, Hospital Road (a town road in Oak Bluffs) was relocated to the south of its original location but the road was not formally abandoned and the new road taken by the Town of Oak Bluffs as a public way. The new hospital sits on an old roadway right of way. The applicant is working with the Oak Bluffs Planning Board to ensure that a warrant article will be on the 2016 Oak Bluffs Town Warrant for the taking of Hospital Road as a public way.
- The applicant is also working with the neighbors regarding various issues. A drainage issue at retention area D needs to be cleaned and monitored. It has become an issue with the neighbors.
- A site visit was done and the MVC staff had an issue with the placement of some of the parking spaces that appeared to be awkward.
- Key Issues.
 - Traffic: Do the two new proposed parking additions work in terms of circulation and safety? Is there enough parking for existing and future needs?
 - How will the bike path be incorporated into the design?
 - Stormwater: Is there any change in the detention time for the proposed changes to the bio-retention areas?
 - How will the new clinic impact the intensity of use of the site?
- The lighting in the original hospital expansion provided for pole heights not to exceed 12 feet and including "cut off fixtures" to prevent lighting from spilling off the property. As part of this submission the Hospital is proposing to shield the lights closest to Windemere Lane and to ask forgiveness for those lights in the main parking area where posts on top of bases are higher than 12 feet off of the ground.

3.2 Applicant's Presentation

Sean Murphy presented the following.

- The applicant went to the LUPC meeting on March 30, 2015 and LUPC recommended that the modification is not significant enough and does not require a public hearing.
- The clinic area is the old emergency room area and is 3,620 s.f. The walk-in clinic would be entered through the parking lot. The backside will be doctor offices for visiting specialists with five exam rooms and offices and will be entered through the back of the Hospital.
- The walk-in clinic will be 1,800 s.f. and will have seven exam rooms with a waiting area and a reception. There will be no change in the footprint or the exterior.
- The walk-in clinic will relieve stress on the Emergency Room. It is more cost efficient for the Hospital and the patient to be treated at the clinic versus the Emergency Room.
- In 2006 the Hospital said it would be non-clinical so the proposal has triggered a modification.

- The first request is to allow use of the wing for the clinic, doctor offices, payroll, and dialysis. The space is currently being used for dialysis.
- The second request is the lights. Electricians have started lowering some of ten fixtures, so light it does not stream onto the neighbors' properties. The modification is asking to allow the rest of the fixtures to remain as they are. The applicant's best guess of how the height issue occurred was that 12 foot poles were ordered but they then needed to be installed on stanchions and then the light fixtures were attached.
- The third request is for additional parking. The employee parking area nets nine more spaces and the second parking area will net 12 additional spaces.
- Compliance issues include the lighting and lowering to 12 feet or lower. John Lolley will explain the drainage. The swale is sized properly but does not function properly. Once corrected, the swale will function properly and it will be maintained. The Hospital built the roadway where it was planned but after the Hospital was built, the Town of Oak Bluffs never took the road. The bottom line is the applicant is working with the Town in resolving the issue and has met with the Planning Board. The Town does not want to take the road and find out they have to correct drainage, curb cuts, and put up signage, so the applicant is taking care of these issues. John Lolley has applied for a Certificate of Compliance for the curb cut and will bring it to correct standards if needed. The applicant will install the signage as required.
- It is anticipated that the taking of the road as a public way will be on the Town of Oak Bluffs 2016 Town Meeting Warrant.

Fred Hancock asked if the proposal also involves the de-mapping of the other roads that are under the Hospital. **Sean Murphy** confirmed it did.

John Breckenridge asked if the applicant finds out from MassDOT that the road is not wide enough that would need to be included in the memorandum and would that interfere with the bio-retention swale. **Sean Murphy** said the road does not need to be widened but the curb cut may need to be widened. The roadway will not be touched.

John Lolley presented the following.

- The issue is that some of the grades don't look quite right just by eyeballing it. Due to the winter weather, they have only recently been able to review the bio-retention swales.
- The purpose of the bio-retention swales is to get water into the ground rather than run off because the much of the Hospital property is so impermeable.
- What is wrong with the failed swale needs to be determined and then corrected.
- He has received a copy of the design and will figure out how to bring it back to how it was designed and should have an answer within the next two weeks.

Fred Hancock asked if the bio-retention swale can be made to work again. **John Lolley** confirmed it can.

Fred Hancock asked if the Town of Oak Bluffs has a fall Town Meeting, would the curb cut and swale issue be ready so it could consider the taking of the road. **Sean Murphy** said it would be ready, but he was not sure the Town would have a Special Town Meeting in the fall.

John Breckenridge moved and it was duly seconded that the proposal does not rise to the level requiring a public hearing. Voice vote. In favor: 11. Opposed : 0. Abstentions: 0. The motion passed.

Mary Sullivan is an attorney that represents Patrick King. There is a declaratory action clarifying judgements against the Commission. Anyone who attended the Compliance Committee meeting in 2014 should recuse themselves due to non-compliance of those decisions.

Fred Hancock noted that the MVC Compliance Committee has no authority on its own so there is no conflict between members who sit on the MVC Compliance Committee and the full Commission. The MVC Compliance Committee can recommend to the full Commission to take action but cannot take or compel any action. He thanked Mary Sullivan for her input.

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

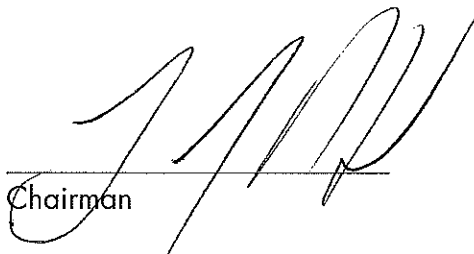
- **Sean Murphy** stated as a point of order the parking areas are also included.
- **Trip Barnes** asked if the Hospital planned to do these modifications earlier and didn't.
- **Fred Hancock** said the applicant's concerns are mainly what the modification addresses, the clinic, the drainage, the roadway, and the height of the lighting fixtures.

Roll call vote. In favor: T. Barnes, J. Breckenridge, J. Goldstein, F. Hancock. L. Jason, J. Joyce, K. Newman, L. Sibley, E. Thomas. Opposed: none. Abstentions: none. The motion passed.

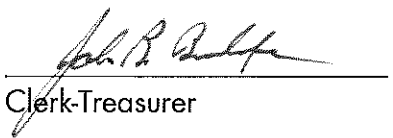
The meeting was adjourned at 8:00 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Martha's Vineyard Commission DRI # 650 Huseby Mtn. Farm Subdivision MVC Staff Report – 2015-03-19
- Letter from the Town of West Tisbury Planning Board, Subject: Huseby Mountain Farm LLC, proposed Form C Application: 5 lot subdivision Map 21 Lot 8 & 10.1, Dated February 6, 2015
- Offers by Huseby Mountain Farm LLC for DRI # 650 April 2, 2105
- Martha's Vineyard Commission DRI 650 Huseby Subdivision: Wastewater Update April 2, 2015
- Martha's Vineyard Commission DRI 650 – Huseby Subdivision Possible Conditions for consideration
- Overlay Plan, Plan of Land in West Tisbury, Mass., Huseby Mountain Farm LLC, Dated February 6, 2015
- Martha's Vineyard Commission DRI # 324-M6 M.V. Hospital Clinic & Parking MVC Staff Report – 2015-04-02
- Martha's Vineyard Hospital DRI 324-M4 Modification Request Summary of Proposal
- Memorandum from Sean E. Murphy to the Martha's Vineyard Commission, Dated April 1, 2015, Compliance Items that will be completed by the Martha's Vineyard Hospital
- Letter from John Lolley, PE, Subject: Percolation Evaluation of Bio-pit "D" at Windermere Rd., Dated April 1, 2015


Chairman

6-17-15
Date


Clerk-Treasurer

6/4/15
Date