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**Minutes of the Commission Meeting  
Held on June 18, 2015  
In the Stone Building  
33 New York Avenue, Oak Bluffs, MA**

**IN ATTENDANCE**

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

- Tripp Barnes (E-Tisbury)
- John Breckenridge (A-Oak Bluffs)
- P Christina Brown (E-Edgartown)
- Harold Chapdelaine (A-Tisbury)
- P Robert Doyle (E-Chilmark)
- P Josh Goldstein (E-Tisbury)
- P Fred Hancock (E-Oak Bluffs)
- Leonard Jason (A- County)
- James Joyce (A-Edgartown)
- P Joan Malkin (A-Chilmark)
- W. Karl McLaurin (A-Governor)
- Katherine Newman (A-Aquinnah)
- P Doug Sederholm (E-Chilmark)
- Abe Seiman (E-Oak Bluffs)
- P Linda Sibley (E-West Tisbury)
- P Ernie Thomas (A-West Tisbury)
- P James Vercruysse (E-Aquinnah)

Staff: Mark London (Executive Director), 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. NEW BUSINESS**

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Commissioners Present: C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, D. Sederholm, L. Sibley, E. Thomas, J. Vercruysse.

**1.1 Scheduling**

**Fred Hancock** noted the next MVC meeting would normally be held on July 2, 2015, which is right before the Fourth of July holiday and there was a consensus to move the meeting to July 9, 2015. The July 16, 2016 MVC Meeting will remain as scheduled. James Vercruysse will Chair the July 9, 2015 meeting.

**2. MINUTES**

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Commissioners Present: C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, D. Sederholm, L. Sibley, E. Thomas, J. Vercruysse.

**Josh Goldstein moved and it was duly seconded to approve the minutes of June 4, 2015 with corrections as noted; to correct the language on line 110 "LUPC did find it acceptable..." and line 122 should be 9mg/l .Voice vote. In favor: 8. Opposed: 0. Abstentions: 1. The motion passed.**

### **3. ISLAND SOURCE AIRPORT STORAGE – EDGARTOWN DRI 652 PUBLIC HEARING**

*Commissioners Present:* C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, D. Sederholm, L. Sibley, E. Thomas, J. Vercruysse.

*For the Applicant:* Thomas Seeman, Matt Seeman, John Folino (builder)

**Linda Sibley**, Public Hearing Officer, opened the public meeting at 7:10 p.m. and read the public hearing notice. The applicant is Thomas and Matt Seeman, the project location is 19 North Line Road, Edgartown Map 24 Lot 2.29 (1.8 acres) and the proposal is to construct a 20,625 s.f. one-story storage facility with 151 units of various sizes.

#### **3.1 Staff Report**

**Paul Foley** presented the following:

- The packet of information contains the LUPC Notes, the Airport Business Park Development Regulations, the Martha's Vineyard Airport preliminary approval, floor plans, elevations and site plans.
- The site was reviewed.
- The property currently has a 6,000 s.f. industrial building built in 1996 that houses Island Source bottled water and several catering kitchens.
- There would be no bathrooms in the proposed building.
- The applicant does not plan to have a fence around the entire property.
- There are two other storage facilities at the airport; Airport Mini-storage with about 340 units and Cape Cod Express with 150 to 200 units.
- The hours of operation for the storage facility would be 6:00 a.m. to 7:00 p.m.
- The interior units will be climate controlled and the exterior units will not be.
- The DRI trigger is Section IV.A of the Development Agreement between the Martha's Vineyard Airport Commission and the Martha's Vineyard Commission: "Any building or structure that is proposed to be greater than 8,000 square feet. The square footage shall mean the cumulative square footage of all floors of all buildings on a given lot".
- The site currently has a grove of trees at the back of the property that would be removed.
- The property is not listed as NHESP habitat.
- The applicant is required by the MVAC to retain a five foot greenbelt around the property.
- Lighting would be downward shielded motion sensitive per airport requirements.
- The LUPC waived the need to do an independent traffic study by an engineer.
- No additional employees are proposed.
- The site plan shows two paved handicapped parking spots provided for the new building. The rest of the driveways will be gravel.
- According to the MVC Affordable Housing Policy the recommended monetary mitigation for a 20,625 s.f. commercial project is \$32,250. However, since the project is located at the Airport Business Park the MVC's Affordable Housing Policy recommends 30% of the total sum, which is \$9,675.
- The total cumulative square footage of the existing building (6,000 s.f.) and the proposed building (20,625 s.f.) exceeds the Airport Business Park Regulation (1986) 8.A which states that building(s) footprint to land ration shall not exceed 1:4.

- The new building and the existing building combined would have 26,625 s.f. footprint. Therefore it would exceed the 1:4 ratio. A 26,625 s.f. footprint is a 1:3 ratio of 1.8 acres (78,408 s.f.).
- A 1:4 ratio would allow a total of 19,602 s.f. of footprint on the property. With an existing 6,000 s.f. building that would only allow a 13,602 s.f. footprint for the new building.

### **3.2 Applicants' Presentation**

**Thomas Seeman** presented the following.

- Paul Foley gave a complete detailed presentation of the project.
- A business like this has very little traffic coming into the property.
- There is expected to be a handful of small business use for daily needs for the exterior units.
- There is water into the building for water suppression only and no wastewater system, so the utilities are lightly used.

### **3.3 Commissioners' Questions**

**James Vercruyse** asked if there are any plans for fencing. **Thomas Seeman** said it was left off of the plans as other nearby facilities do not have security fencing so it was felt it was not an issue. He has thought about it if it makes the tenants more comfortable.

**Christina Brown** asked if there will be motion sensor lights. **Thomas Seeman** said there would be as well as security cameras.

**Fred Hancock** noted the hours of operation are from 6:00 a.m. to 7:00 p.m. and asked if there is any concern about tenants arriving early since there is no fencing or a way to stop them from entering at that time of day. **Thomas Seeman** said he has been in the front building of the property for 20 years and he doesn't see that happening. **Matt Seeman** added that the interior units will have keypad entry.

**Joan Malkin** asked if the units will have lighting. **Matt Seeman** said they will not.

**Doug Sederholm** wondered if there was any building that John Folino hasn't built at the Airport Business Park. **John Folino** said there were seven buildings he did not build but he does repair them.

**John Folino** said the building is nine feet high but is very low and is tucked behind the existing front building which will help to screen the new building and the new building will be somewhat obscured. Unless you are in an airplane you won't know the new building is there.

**Doug Sederholm** asked how tall the front building is. **John Folino** said the building is 18 feet high and the buildings to the right are 18 to 20 feet high. The proposed building is atypical and won't allow for anything big being brought into them such as a vehicle due to the height. The interior units must be accessed through a standard door so the access is not the same as the exterior unheated units. There are five self-storage facilities on the Island and they are all full.

**Doug Sederholm** asked John Folino how many self-storage units he has built. **John Folino** said 12 and a total of 1,300 buildings.

**James Vercruyse** asked if there is any water in the buildings. **John Folino** said water is there just for fire suppression and comes from the street main and there is adequate pressure.

**Ernie Thomas** asked if the building consists of one continuous slab and if the self-storage units are bolted to the slab. **John Folino** said yes and there is no variation to the slab.

There was a discussion about the roof pitch.

- **John Folino** noted that the roof height is 9'-4"; 12' to the peak.
- **Doug Sederholm** asked with a roof of that low pitch is there anything that would make it vulnerable to wind and snow.
- **John Folino** said the roof meets all codes and it can also support solar panels.
- **Doug Sederholm** said he was curious given the size and flatness of the roof if John Folino thought there is a possibility of spot overloading of snow in heavy winds.
- **John Folino** said the roof meets 115 mph winds and the roof is designed for snow load in the northeast region. The roof has more load bearing capability than most buildings.

There was a discussion if the project needed to go back to LUPC as well as in conjunction the affordable housing contribution.

- **Doug Sederholm** wondered if there was any reason why this project needs to go back to LUPC since it is so straightforward.
- **Linda Sibley** said that not going would require a motion and a vote.
- **Fred Hancock** noted that one issue to be resolved is the affordable housing contribution which could be done as an offer from the applicant.

The discussion continued.

- **Doug Sederholm** said if the applicant offered an affordable housing contribution, he would then be able to make motion to move forward with the proposal. The affordable housing guideline is for a \$9,675 mitigation.
- **Christina Brown** said if the offer is made, the applicant can state which organization the monetary contribution is given to.
- **Thomas Seeman** said he is happy to meet the affordable housing request and will make the offer and asked if the organization receiving the contribution is always specified.
- **Doug Sederholm** said it is better for everyone concerned if the applicant specifies the organization.
- **Fred Hancock** added by designating it allows the MVC to check to be sure the contribution is received.
- **Thomas Seeman** said he is involved with the Island Housing Trust now and will offer to make the contribution them.

**Linda Sibley**, Public Hearing Officer closed the public hearing and the record at 7:35 p.m.

***Doug Sederholm moved and it was duly seconded to waive the post public hearing and go directly to Deliberation and Decision. Voice vote. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.***

### **3.4 Deliberation and Decision**

***Doug Sederholm moved and it was duly seconded to accept the applicant's offers and to approve the application as submitted.***

- **Linda Sibley** noted the applicant has not been given permission to put up a fence and if he decides to do so, he would have to come back to the MVC.
- **John Folino** noted that fencing at the Airport Business Park is at the discretion of the Airport Commission.
- Benefits:
  - Wastewater is negligible.
  - Night light and noise meets the airport codes and won't affect neighbors.
  - Traffic and transportation is a neutral issue.
  - Character and Identity; the building is not out of character for the Airport Business Park and the building will not be seen.
  - There is no impact on abutters.
  - The applicant is making an affordable housing contribution.
  - The project will increase the tax base and is a minimal impact on town services.
  - The project conforms to the Airport Plan and achieves State and Regional Plans and Objectives. It was agreed that the Airport Business Park is the location for this type of industrial use.
  - The project is not in a DCPC.
- Detriments:
  - The Airport Business Park is not a benefit to scenic values for the Island.

***Roll call vote. In favor: C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, D. Sederholm, L. Sibley, E. Thomas, J. Vercruyse. Opposed: none. Abstentions: none. The motion passed.***

**Fred Hancock** noted that the next step is the Written Decision and the MVC Decision is not final until the Written Decision is approved which most likely will be at the next MVC meeting on July 9, 2015.

### **4. DIAS/HIGH POINT LANE – TISBURY DRI 653 PUBLIC HEARING**

Commissioners Present: C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, D. Sederholm, L. Sibley, E. Thomas, J. Vercruyse.

**Fred Hancock**, Chairman noted that the public hearing for High Point Lane DRI 653 is scheduled for tonight's MVC meeting. However, Linda Sibley was notified today that she is legally a direct abutter and therefore cannot participate in the public hearing. The MVC quorum is nine members and without Linda Sibley the Commission, does not have a quorum present for DRI 653.

**Linda Sibley** said she did Chair the LUPC meeting for DRI 653 but at that time she was not aware that she was a direct abutter. Her property is within 300 feet of the applicant's property which makes her a direct abutter and under the Ethics Law she cannot participate. The MVC consulted counsel and was told she cannot even sit at the meeting to make the quorum.

**Fred Hancock** noted that the Public Hearing can be rescheduled to the July 9, 2015 MVC meeting and asked the applicant if they could be available for that meeting. It was agreed that

the public hearing would be rescheduled for July 9, 2015 at 7:15 p.m. He also noted that from the MVC Staff Report for DRI 653 it appears that the MVC is missing some information from the applicant which is needed for the public hearing and suggested that the applicant work with Paul Foley to provide the information to the MVC before July 9, 2015.

**Paul Foley** said information is needed such as the landscaping, lighting, and nitrogen load.

**Fred Hancock** apologized to the applicant and the public for the delay.

There was a discussion regarding the validity of the LUPC meeting for DRI 653.

- **Mary Gosselin**, an abutter, noted that Linda Sibley chaired the LUPC meeting and during that meeting it was determined that a traffic study was not needed and also noted based on Linda Sibley's integrity she was confident that Linda Sibley would not have done anything intentionally that was incorrect.
- **Linda Sibley** said she was unaware at the time of the LUPC meeting that she was within 300 feet of the applicant and was considered a direct abutter. She confirmed that LUPC determined a traffic study was not needed and suggested that perhaps LUPC should meet again regarding the application.
- **Doug Sederholm** said if there is a direct abutter concerned about a traffic study perhaps LUPC should meet again due to the finding that Linda Sibley is a direct abutter.

LUPC was rescheduled for June 29, 2015 at 5:50 p.m. and Joan Malkin will be Chairman for the project.

## **5. CAPE COD FIVE BUILDING – TISBURY DRI 631-M2 WRITTEN DECISION**

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*Commissioners Present:* C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, D. Sederholm, L. Sibley, E. Thomas, J. Vercruysse.

*Linda Sibley, Doug Sederholm and Robert Doyle were present to maintain the MVC quorum, but did not participate.*

**Fred Hancock** and **James Vercruysse** said for clarification the word "intended" should be stricken from line 26. The structure is temporary.

**Paul Foley** noted the typo on line 50, referral should not be plural.

**Robert Doyle** noted to be consistent, the words "intended as" should be stricken on line 101.

**Fred Hancock** and **Joan Malkin** revised the language for lines 149 and 150 to "...though not reflective of design qualities to which the Island might aspire, is not out of character with the buildings in the immediate neighborhood".

**Joan Malkin** noted the language should be revised for line 157 by deleting the word "positive" and replacing with "minor negative".

**Christina Brown** said the language "which shall be approved" should be deleted from line 230.

**James Vercruysse** noted that the exact location, perhaps compass direction such as north, south, east or west, should be added to line 237 to define the exact location of the fence.

There was a discussion about Section 5. Conditions, 7 Permit Extension.

- **Joan Malkin** noted that line 292 five years does not match the length of Validity of Decision.
- **Fred Hancock** suggested substituting the language in 7.1 with the language found in Section 6. Conclusion, 6.3 Length of Validity of Decision.
- **Christina Brown** said there was a lot of discussion during deliberation to give the applicant some flexibility.
- **Robert Doyle** said the MVC told the applicant to come back if needed during the permit process for a modification.
- **Fred Hancock** said the idea was not to leave the applicant with an open ended time period and the Commissioners agreed to delete in Section 5 Conditions, 7 and 7.1 Permit Extension.

There was a discussion about Section 6 Conclusion, 6.3 Length of Validity of Decision.

- **Christina Brown** questioned the clarity of Section 6.3.
- **Robert Doyle** said the MVC wanted to have the incentive for the applicant to move to a permanent structure.
- **Fred Hancock** suggested the language could say the permission for the temporary building will only last four years and not include when the applicant has to come back to the MVC.
- **Joan Malkin** worked on several revisions of the language for Section 6.3 but the MVC felt the section still needed better clarity.
- **Ernie Thomas** remembers that it was determined that the temporary building was allowed for four years.
- **Joan Malkin** asked what happens to the temporary structure if the applicant does not come back to the MVC with an application for a permanent structure.
- **Robert Doyle** said Section 6.3 should reflect what was said in the MVC Meeting Minutes of June 4, 2015.
- **Joan Malkin** agreed with Robert Doyle regarding revising the language to agree with what was stated in the MVC Meeting Minutes of June 4, 2015.
- **Joan Malkin** revised the language for Section 6.3 and it was agreed to by the Commissioners, namely: "The approval shall expire on August 1, 2017 if the applicant has not filed an application with the MVC for a permanent structure on the property. In any event the temporary structure must be removed by the end of the two years and no later than August 1, 2019."

**Josh Goldstein moved and it was duly seconded to approve the Written Decision as amended. Roll call vote. In favor: C. Brown, J. Goldstein, J. Malkin, E. Thomas, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.**

## **6. HUSEBY MOUNTAIN FARM SUBDIVISION DRI 650 WRITTEN DECISION**

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Commissioners Present: C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, D. Sederholm, L. Sibley, E. Thomas, J. Vercruysse.

*Christina Brown, Joan Malkin and James Vercruysse remained at the meeting to maintain the MVC quorum, but did not participate in this item.*



**Bill Veno** noted the typo on line 226 "31 acres".

There was a discussion about section 5. Conditions, 2.1 Affordable Housing.

- **Doug Sederholm** suggested revising the language on line 231 "the application includes the Homesite Lot..."
- **Fred Hancock** said isn't the proposal with a Homesite Lot?
- **Linda Sibley** said she was not sure the Town of West Tisbury uses the language Homesite Lot.
- **Doug Sederholm** said approval of the Written Decision should be subject to using the correct Town of West Tisbury Zoning By-law language.

**Doug Sederholm** said for lines 260 through 264 for 5.3 under Water Resource Protection the sentence order should be reversed.

**Doug Sederholm** noted a typo correction on line 270 "field".

**Fred Hancock** said his middle initial "J" should be added to the Chairman signature line (line 305).

**Doug Sederholm moved and it was duly seconded to approve the Written Decision with corrections as noted. Roll call vote. In favor: R. Doyle, J. Goldstein, D. Sederholm, L. Sibley, E. Thomas. Opposed: none. Abstentions: none. The motion passed.**

## **7. TRANSPORTATION DOCUMENTS – MVTP, TIP, UPWP – RELEASE FOR PUBLIC COMMENT**

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Commissioners Present: C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, D. Sederholm, L. Sibley, E. Thomas, J. Vercruyse.

**Bill Veno** presented the following.

- The Joint Transportation Committee (JTC) met June 17, 2015 and approved the draft versions of three transportation documents to be released for a 30-day public comment period.
  - The Martha's Vineyard Transportation Plan is done every four to five years. It looks at all types of transportation to and on the Island and identifies projects and priorities.
  - The Martha's Vineyard Transportation Improvement Program outlines proposed transportation improvement projects for the next four years. The TIP is issued annually.
  - The Unified Planning Work Program outlines the transportation planning work that the MVC will do with funding from Mass DOT.
- JTC said the documents would be approved as written unless substantial comments are received.

**Christina Brown** noted that the MVC is also a signatory on the documents.

**Mark London** noted that the time for Commissioner comments is within the 30-day public comment period. Once that period is over and the document is revised, it must be endorsed by all

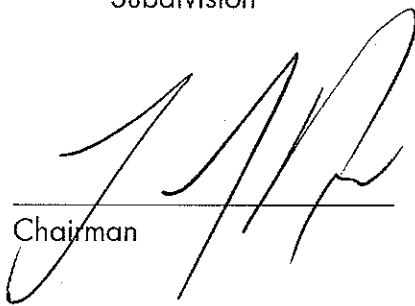


parties in a very tight time period and it would be too late in the process to make additional changes.

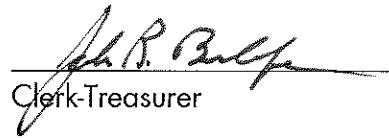
The meeting was adjourned at 8:50 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, Held on June 4, 2015
- Martha's Vineyard Commission DRI # 652 Island Source Airport Storage MVC Staff Report – 2015-06-18
- Land Use Planning Committee Notes June 1, 2015
- Airport Business Park Development Regulations, May 8, 1986
- MVY Airport Approval letter to Thomas Seeman Dated June 11, 2015
- Island Source Airport Storage Floor Plan, Site Plan and Elevation
- Draft Decision of the Martha's Vineyard Commission DRI 631-M2, Cape Cod Five on High Point Lane
- Decision of the Martha's Vineyard Commission DRI 650 Huseby Mountain Farm Subdivision

  
Chairman

7/16/15  
Date

  
Clerk-Treasurer

7/16/15  
Date