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Minutes of the Commission Meeting Held on December 3, 2015 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)
- Yvonne Boyle (A-Governor)	P Joan Malkin (A-Chilmark)
P John Breckenridge (A-Oak Bluffs)	P Katherine Newman (A-Aquinnah)
P Christina Brown (E-Edgartown)	- Doug Sederholm (E-West Tisbury)
- Robert Doyle (E-Chilmark)	P Abe Seiman (E-Oak Bluffs)
P Josh Goldstein (E-Tisbury)	P Linda Sibley (E-West Tisbury)
P Fred Hancock (E-Oak Bluffs)	P Ernie Thomas (A-West Tisbury)
P Leonard Jason (A-County)	P James Vercruysse (E-Aquinnah)

Staff: Adam Turner (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Planner), Priscilla Leclerc (Transportation Planner), Sheri Caseau (Water Resource Planner).

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

1. NEW BUSINESS

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

1.1 Reports from Chairman, Committees and/or Staff

Chairman Report

Fred Hancock, Chairman noted that if any Commissioner is appointed they will need to be re-appointed for next year and need to send the appropriate information to Curtis Schroeder.

Nominating Committee Report

Fred Hancock, Chairman said the Nominating Committee met and Linda Sibley was elected Chairman of the committee.

Linda Sibley, Chairman of the Nominating Committee said the following Commissioners were nominated; James Vercruysse for Chairman, Robert Doyle for Vice Chairman and John Breckenridge for Clerk/Treasurer. The vote for officers will be held at the December 17, 2015 MVC meeting and at that time the floor will be also be open for nominations.

1.2 Executive Director's Report

Adam Turner said the North Bluff project was scheduled for the December 10, 2015 MVC meeting as a discretionary referral. The project was referred to the MVC by the Planning Board

as a discretionary, in-town referral. The applicant is the Town of Oak Bluffs and they have decided to refer the project to the MVC as a full DRI. The applicant attended LUPC and presented the proposal and LUPC also recommended that the project be presented to the full Commission as a public hearing, which will be on December 10, 2015.

2. EVOLVE EXPANSION – ALEXANDER- EDGARTOWN C.R. 1-2015 CONCURRENCE REVIEW

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, A. Seiman, L. Sibley, E. Thomas, J. Vercruyse.

For the Applicant : Alex Alexander, Laura Alexander.

2.1 Staff Report

Paul Foley presented the following.

- The project location is 250 Upper Main Street, Edgartown.
- The applicant is Laura and Alex Alexander.
- The proposal is to build a 1,700 sf addition to an existing 1,800 sf building in the Edgartown B-2 district which is currently occupied by a pilates studio.
- The addition would be in the back of the building. There would be a studio on the ground floor for additional TRX and pilates classes and a bicycle spinning room in the basement addition.
- The pilates classes can have up to 18 people in them but usually there are 6 to 12 people with 9 classes a week in the summer and 6 classes in the winter.
- The referral is from the Edgartown Planning Board. The Planning Board asked in its referral letter that the MVC not concur with the referral and also asked that the MVC consider in its review of the DRI Checklist to either remove trigger 3.1d or modify it by raising the threshold. DRI trigger 3.1d is an addition of 1,000 sf or more resulting in 2,000 sf or more is a concurrence review.
- LUPC voted on November 23, 2015 to recommend to the full Commission to not concur with the referral because it does not impact any of the regional issues such as traffic, sewer or aesthetics and will be reviewed by the Planning Board guided by the B-2 Upper Main Street Master Plan.
- At tonight's meeting the MVC is deciding if the project needs to have a public hearing.
- The site plan was reviewed.
- A key issue is that the proposed use does not create any issues but a 3,500 sf commercial building with limited parking could, with a change of use in the future, potentially have an impact.
- Based on the maximum people in the class being 18 there should not be an issue with parking but if needed there is space for overflow parking.
- The elevations were reviewed.

2.2 Applicants' Presentation

Laura Alexander felt Paul Foley covered all of the details.

Joan Malkin asked what the number of parking spaces is. **Laura Alexander** said there are 12 and parking is also available at the back of the house. Many people come on bicycles.

Christina Brown said this is a good example of how the Upper Main Street Master Plan encourages this type of building. The addition will be behind and have a lower elevation than what is currently seen from the road.

Christina Brown moved and it was duly seconded to not concur with the referral and send it back to the Edgartown Planning Board.

- **Christina Brown** noted that the 3,400 sf building is consistent with what is there now and will not have a major impact as a regional impact.
- **Linda Sibley** noted that the DRI Checklist Review Committee is looking at the DRI thresholds and this project is a good example of why the MVC has concurrence reviews. It is very much influenced by Edgartown's Upper Main Street Master Plan and Edgartown has a special permit process. She hopes that the MVC sends the referral back to the Planning Board.
- **Leonard Jason** said the MVC approved the Master Plan in 1989.
- **Linda Sibley** said the language in the checklist refers to new construction and not additions and should be discussed at a later time.
- **Leonard Jason** agreed this should be discussed at a later time.

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

3. M.V. REFUSE & RESOURCE RECOVERY DISTRICT DRI 391-M2 PUBLIC HEARING

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, A. Seiman, L. Sibley, E. Thomas, J. Vercruyse.

For the Applicant: Don Hatch (Manager of the District)

Linda Sibley, Public Hearing Officer opened the public hearing at 7:20 p.m. and read the public hearing notice. The applicant is the Martha's Vineyard Refuse and Resource Recovery District. The location is 750 West Tisbury Road, Edgartown Map 25 Lot 4 and 19 Watcha Path Map 25 Lot 5. The proposal is to reconfigure traffic flow for commercial and residential drop off for trash and recycling at the Edgartown Transfer Station which serves Edgartown, West Tisbury, Chilmark and Aquinnah. The public hearing process was reviewed.

3.1 Discussion of Postponement of the Public Hearing

Elizabeth Harrington asked the MVC to postpone the public hearing as several neighbors did not receive the notice and several are off Island and therefore could not attend tonight's meeting.

Linda Sibley said if in fact the public did not receive the public hearing notice the hearing should be postponed.

Joan Malkin asked who is requesting the continuance and if Elizabeth Harrington is connected to the applicant. **Elizabeth Harrington** said she spoke to several neighbors who could not attend and she is an abutter.

Linda Sibley noted that a public hearing can be continued and it is also aired on TV.

Adam Turner recommended that the hearing remain open but it would not be closed so people who could not attend tonight can make comment.

Paul Foley said several letters were received by the MVC and the letters mentioned that the individual did not receive notice of the LUPC meetings. Notice of the LUPC meetings is not sent as it is a pre-public hearing meeting. Notice of the public hearing is sent to landowners within 300 of the applicant's property.

Linda Sibley said as a process the MVC can proceed with tonight's public hearing and continue it to a future date so it will then serve everyone's needs.

There was a discussion about notifying the direct abutters.

- **Leonard Jason** said it is important to know if abutters of the proposal have all been notified.
- **Christina Brown** said direct abutter might need to be clarified. Some of the people who might want to be informed may not actually be direct abutters.
- **Paul Foley** read the list of abutters and they were sent the notice.
- **Adam Turner** said from a procedural standpoint if there is a deficiency in the notice the public hearing should not be held. If people received the notice but cannot attend then the public hearing can be held and continued. In his opinion there is not a deficiency of notice.
- **Joann Hathaway** noted that she is an abutter and she just received the notice yesterday (December 2, 2015). The mail service in Edgartown is not good and perhaps others have not received the notice.
- **John Breckenridge** said it is worthwhile from a process standpoint to repeat the procedure. Paul Foley contacted the Assessor's office and notices were sent out to the abutters that are within 300 feet and none of the notices have been returned to the MVC.

Linda Sibley, Public Hearing Officer said in fairness to those that have attended the public hearing tonight, the public hearing will be held so comment can be made by those that are in attendance in the event that they cannot come back. The public hearing will be continued and those that could not attend tonight can be heard then.

3.2 Staff Report

Paul Foley presented the following.

- The applicant is the Martha's Vineyard Refuse & Resource Recovery District. Don Hatch is the Manager of the District.
- The proposal is to reconfigure traffic flow on the 23.66 acre site for commercial and residential drop off for trash and recycling at the Edgartown Transfer Station which serves Edgartown, West Tisbury, Chilmark and Aquinnah.
- The surrounding land use and zoning is rural residential and is not far from the Airport and the Business Park.
- There was a 2011 study done to consolidate all towns to one facility.
- The construction of a solid waste transfer station by M.V.R. & R.R.D. at its current location was approved with conditions by the MVC as DRI 391 in 1995. The conditions included:
 - Monitoring to insure the facility did not become an attractant to vermin and gulls.
 - Measures to be taken by the BOH if birds and other wildlife became a problem.

- Landscape, screening and drainage plan to LUPC; Said plan to include substantially screening the building from the road and alternative treatment to the façade of the building to lessen the visual impact.
- The creation of a 15 foot high (10' W) vegetated berm along the southerly perimeter.
- The creation of a 15 foot deep pit to contain sound.
- The District was to provide options to towns or group of towns to join in the future.
- The MVRRRD returned to the MVC in 1997 as DRI 391-M for a modification with the following changes and additional conditions.
 - The Massachusetts DEP would be solely responsible for addressing the bird issue.
 - The BOH (direction of DEP) would monitor to ensure the facility not become a hazard.
 - If the facility became a hazard the BOH would notify the DEP.
 - There was to be a minimum cutting of trees.
 - A new entrance to the site 75 feet from the Edgartown West Tisbury Road to prevent backups.
 - The facility must comply with all DEP rules.
 - Paving the road from the entry to “tipping floor” and turning areas and that monitoring wells must be installed and tested bi-annually.
 - The MVC allowed the change from the required berm to a 12 foot high wooden fence.
 - No grinder or chipper on site.
- The MVRRRD returned in 2001 as DRI 391-M2 for a Modification with a detailed Landscaping Plan worked out between the applicant and the LUPC to screen the facility from the Edgartown West Tisbury Road.
- The District facilities are on 23 acres with a District office building, a weigh scale, attendant shack, recyclables drop off area, a transfer building for commercial haulers, a container storage area and an area for yard waste.
- The goals of the plan are to alleviate the congested conditions that exist at the gatehouse, the scale and the residential drop off area.
- The congestion leads to excessive queuing and wait times and residents conducting drop off activities in the immediate vicinity of the gate house where several other activities take place such as the weighing of vehicles and the collection of fees.
- The applicant said the State is demanding more separating of waste streams every year and part of the plan is to separate wood and construction debris from commercial trash.
- They want to separate residential recycling and solid waste drop off activities and relocate them elsewhere on the site and provide facilities for improved monitoring, separation and processing of all material.
- A 2011 Consolidation Study prepared for the District made these recommendations.
 - Relocate the recycling drop off area away from the weigh scale and transfer station.
 - Installation of a second scale.
 - Reduce the reliance on the scale to assess charges.
 - Residential solid waste should be moved away from the transfer station and combined with recyclables.
 - A substantial addition of space for increased yard waste, composting, container, etc.
 - Purchase of the abutting 11 acre property and development to the 100 foot buffer.

- The DRI referral was from the Edgartown Planning Board on September 1, 2015 under DRI Trigger 1.2 (modification, 6.2 (Public Place of Assembly over 2,000 sf). 6.2 is a Mandatory DRI Review.
- LUPC met on October 19, 2015.
- Site visits are to be scheduled.
- Key issues include;
 - How will the increased storm water runoff be handled?
 - Have the required ground water monitoring and testing continued through the years? What are the results? Matt Poole was asked about this and he has submitted a response to the MVC and said it has been monitored and has not been a problem.
 - How effective is the landscape screening?
 - What new landscaping is being proposed now that the interior road is moving closer to the Edgartown West Tisbury Road and closer to Watcha Path?
 - Has NHESP been informed or signed off on the proposal? The area proposed to be cut is designated area.
 - Why is the new road and storm water retention basin within the 200 foot buffer?
 - What future activities will this expansion accommodate that are not being proposed now? Many of the recommendations appear to come from a 2011 Consolidation Study.
 - How are hazardous materials handled and will the new layout provide for better handling of hazardous materials?
 - How are food wastes handled and contained? Are there any plans for composting?
 - What measures are being taken to insure that birds will not be a problem, especially for the airport with the proposed expansion?
- The proposal would remove many acres of trees and more than double the cleared area on the property.
- The entire area proposed to be cleared and developed is in NHESP Priority Habitat for State Listed Rare Species. The applicant has not said if they have contacted NHESP.
- Details on proposed vegetative screening, sound attenuating walls or berms have not been submitted.
- The proposal would remove virtually all existing open space on the property beyond the perimeter buffer zones and encroach into parts of the buffer.
- Lighting plans have not been submitted. The facility is not open at night.
- Wastewater/Stormwater; MVC DRI 391 Conditions:
 - Condition 2e of DRI 391-M requires monitoring wells to be installed and “tested no less than bi-annually and that the applicant must have an approved contingency plan in place in case of accident/emergency or other problems”.
 - In response to an inquiry by the MVC Staff the Edgartown Board of Health Agent responded: “The MVRD contracts with Wright-Pierce to conduct the environmental monitoring required in their DEP permit to operate...It is my experience that the environmental monitoring of the MVRD Central Facility has met the requirements of their operating permits and that the results show no measurable impact from operation of the facility”.
 - Staff recommends that the results of the monitoring should be submitted to the MVC.

- Nitrogen Loading; the site is in the Oyster Pond Watershed. The status of the watershed is compromised.
- The proposed site plan was reviewed.
- One of the stated reasons for the project is to improve circulation. The proposed new circuit road is along the 100 foot buffer for most of its length and crosses it near the office.
- Trip Generation.
 - According to the 2011 Consolidation Study, the facility has over 250 vehicles visit the site a day on busier days which equals a vehicle every two minutes.
 - The study stated that peak hour rates would be 2 or 3 times that.
 - The applicant was asked to provide information on existing site usage that has not yet been submitted.
 - According to the 2011 Consolidation Study in 2009 the facility received 11,934 tons (33 tpd) of solid waste. The Oak Bluffs facility in 2009 received 13,742 tons (38 tpd) of solid waste. Therefore if the site became the home of a consolidated Island-wide facility the traffic would likely more than double.
 - Crash Data; 2009-2012 includes four crashes, all at the intersection with Barnes Road. One of the crashes was a non-fatal injury crash and three were property damage only.
- The MVC has an unwritten policy not to apply its Affordable Housing Policy to religious and municipal institutions.
- There are currently 10 employees. The applicant does not anticipate additional employees.
- The proposed expansion is being funded by the four member towns as well as possible State and Federal funding.
- The proposed new circuit road would be more visible from the Edgartown West Tisbury Road.
- The doubling of the area used by the facility would be visible from the Edgartown West Tisbury Road and Watcha Path (a Special Way). Neighbors have raised concerns about existing noise.
- Paul Hannigan has written with several concerns and asks that when the Commissioners visit the site they walk down Watcha Path and visit the homes of the people in the neighborhood to experience the existing situation. He asks that "any approval of the DRI should be conditioned in a way that reduces the already adverse visual, noise and vibration impacts that are constantly endured by the residents in the area..."
- Elizabeth Harrington has written with a number of concerns including increased traffic, noise, habitat, water impacts and rodents.

There was a discussion about the trees to be cut.

- **Linda Sibley** asked what trees would be cut.
- **Paul Foley** showed the proposed site plan for the perimeter road indicating the location of the trees to be cut.
- **Linda Sibley** asked if the applicant is proposing to remove all of the trees.
- **Don Hatch** said just for the road area.
- **Paul Foley** showed the buffer area.

Leonard Jason asked if the applicant wants permission for the road or to expand the facility.

John Breckenridge asked what is the purpose of the new road. **Paul Foley** said the applicant will address that later and showed the site and the proposed improvements.

3.3 Applicants' Presentation

Don Hatch presented the following.

- Some of the problems that are encountered in the morning is the queuing on the road.
- It is hoped that 50% of the current volume will use the residential drop off. Once cars come in and pay for their materials they can then go to the containers.
- There will be plenty of room for the cars to go around the recyclables area in order to access the waste area.
- Currently all traffic funnels to one point. A key component of the project is to make traffic easier and safer by separating the residential and commercial facilities.
- Material is separated inside and is a hazardous situation in the building so more room is needed for separation and safety.

3.4 Commissioners' Questions

Katherine Newman asked if the applicant is leaving what is already there and is creating a new road to syphon off residential disposal – that the applicant is only asking for the road. **Don Hatch** said no new buildings are proposed, just a new road and a series of containers.

Joan Malkin asked what is shown between the existing building and the new containers. **Don Hatch** said it is the materials that are hard to handle, bulky material; tires, refrigerators, TV monitors, etc.

Fred Hancock asked if the building is to be used primarily for construction materials. **Don Hatch** said it is for commercial drop off and will use the current traffic pattern.

Christina Brown asked about the traffic pattern noting the residential customers will enter one way and asked for the route for waste, bulky material and recyclables to be shown. **Don Hatch** showed the container location and noted that they will be covered. Hard to manage materials will also have containers on the pads. Hard to handle materials will be on one side and leaf and brush on the other side.

James Joyce said it sounds like a much better facility; drop off waste will go right into a container and then not handled again. **Don Hatch** said it would be handled a second time to be weighed and then dumped onto the floor of the building.

Ernie Thomas asked for Don Hatch's impression of why there is a greater impact of the proposed versus the current. **Don Hatch** showed the current situation in the summer. There is a congestion and safety issue especially with the loader moving around. The proposal is trying to make more room for building materials.

Ernie Thomas said the only change he sees of the proposed versus the current is adding the road and the drop off bins. What is the difference with regards to the impact on the environment and traffic? Why do you think the proposed won't have a greater negative impact? **Don Hatch** said there are no negatives there are only positives especially with safety.

James Vercruyse asked how many acres are to be cleared with the proposal. **Don Hatch** said four acres and showed the area to be cleared.

Linda Sibley suggested that perhaps an aerial rendering of the proposal can be provided at the continued public hearings so everyone can see what it will look like with the new road and the trees cut. **Don Hatch** said he is working on that right now with MEPA.

Christina Brown asked if there is anywhere on the Vineyard that these containers can be seen. **Don Hatch** said Tisbury and West Tisbury have smaller versions.

Trip Barnes said he has spent a lot of time on the premises. Rather than closing the windows he would think the applicant would want a bigger building. **Don Hatch** said it is a financial issue and a bigger building is not needed, room to process is what is needed. Relocating the residential trash and traffic will relieve some of the burden on the building.

Don Hatch noted that wells are monitored twice a year and has the numbers to submit to the MVC. **John Breckenridge** asked what the dates are for the tests. **Don Hatch** said up to June 2015 and the tests are up to date.

Joan Malkin asked if the applicant decided they wanted to clear another area would they have to come back to the MVC. **Linda Sibley** said if it triggered the DRI Checklist.

Joan Malkin noted that from the correspondence received from the abutters it appears that vibration is a concern with traffic and the trucks and that is not being altered with the proposed plan. **Don Hatch** said that is correct. The containers have to be moved. **Joan Malkin** asked what kind of vehicle does that. **Don Hatch** said it is a tip container truck.

3.5 Public Testimony

Elizabeth Harrington is an abutter and showed the location of her property on the site plan. Some things have been glossed over tonight. What hasn't been noted is that 16 more containers will be added and we were told that open space was not to be cleared. A bigger building is needed as tractors are having difficulty moving around in that area. With respect to the airport and runway 33, it would not require FAA approval for a larger building. NHESP has not been filed as of this afternoon. Many people who rent homes on the Island are responsible for their own trash and it will have an impact on the facility. Is there any plan to make people from all of the towns to drop off their trash? **Don Hatch** replied there are no plans to change who can dispose of waste at the facility.

Elizabeth Harrington continued, saying there are problems with rodents. When the trees are removed it will bring more noise and it will be particularly bad in the winter. Water is all on wells and there could be a problem with that for the abutters.

Joann Hathaway is an abutter and she just found out about the meeting. She just built her house and she knew the dump was there but did not know about the proposal and has since found out that it has been in the works for three years. All we are hearing is about off Island and comparisons to off Island. The dumps have less space and more volume and are handling the volume without issues or expansion.

- **Linda Sibley** noted that the Island has transfer stations and not dumps.

There needs to be water testing. There are two wells at the edge of the property and are those wells being monitored.

- **Linda Sibley** noted that wells are put downstream.

There is so much that needs to be settled for this project, such as hiring another year round employee.

Linda Sibley suggested that Joann Hathaway submit written testimony since she just found out about the meeting.

Don Harrington is a direct abutter and there was a meeting with the refuse commission to look at the plan and everyone gasped. The plan needs to be smaller. He showed on the plan how the area will be expanded with asphalt. He also showed where perhaps the road could be moved to. All of these things were suggested to the refuse commission but they did not take any of the abutter's comments into the proposed plan. There are no plans to make this an Island wide proposal. There is a phase one and phase two written up in the paper and they want to double the size of the building in the future.

- **Christina Brown** suggested that Mr. Harrington submit his comments as part of the written testimony, which he did.

There was a discussion about the scheduling for the continued public hearing.

- **Adam Turner** suggested to tentatively schedule the continued public hearing to January 7, 2016.
- **Don Hatch** said the District would not be ready with the renderings and the additional information by then. January 21, 2016 would be a better date as they need to submit to DEP and NHESP and complete the rendering.

James Joyce asked Don Hatch if in his opinion, would this proposal be large enough to accommodate the entire Island. **Don Hatch** said it could for a period of time in a temporary/emergency situation for residential but not for all of the commercial waste.

Linda Sibley, Public Hearing Officer continued the public hearing until January 21, 2016.

Fred Hancock, Chairman recessed the meeting at 8:30 p.m. and reconvened at 8:35 p.m.

4. DEBETTENCOURT HIGH POINT LANE GARAGE – TISBURY DRI 656 DELIBERATION & DECISION

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, A. Seiman, L. Sibley, E. Thomas, J. Vercruyse.

Linda Sibley and Trip Barnes recused themselves as they are abutters. Josh Goldstein and Abe Seiman excused themselves from the meeting.

Adam Turner noted that the following information had been handed out to the Commissioners; LUPC notes, the applicant's offers and possible considerations.

4.1 Land Use Planning Committee Report

John Breckenridge, Acting LUPC Chairman said LUPC met and voted to recommend to the full Commission to approve the project with conditions as clarified at the LUPC meeting on November 30, 2015. The offers from the applicant contained commentary which is not appropriate so Adam Turner has provided offers that have been cleaned up at LUPC.

4.2 Deliberation

Landscaping

Christina Brown said the Landscape Plan should come to LUPC before the Certificate of Occupancy, not at the time of the building permit. Language should be added as offered by the applicant.

Leonard Jason said the landscape plan should be approved prior to the Certificate of Occupancy.

John Breckenridge said the time frame for completion should be revised to nine months due to the planting season.

There was a discussion about maintaining the landscaping in perpetuity.

- **James Joyce** asked if the MVC should require irrigation in the offer.
- **John Breckenridge** said the landscaping has to be installed and maintained in perpetuity.
- **Fred Hancock** said that is something that should be added to the condition.
- **John Breckenridge** suggested adding it to the second point under landscaping.

Joan Malkin moved and it was duly seconded to change the completion time frame to nine months and the landscape plan should be installed and maintained in perpetuity. Voice vote. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.

There was a discussion about the chain link fence and the retaining walls.

- **Christina Brown** suggested that the word "black" chain link be retained in the offer as a black chain link fence is less obtrusive.
- **Joan Malkin** suggested revising the language to say the applicant may install a black chain link fence on the High Point Lane side.
- **Katherine Newman** thought the point was to make the façade of the retaining wall better and chain link does not do that.
- **John Breckenridge** said the fence is needed for safety reasons. The Landscape Plan is to come back to LUPC and is to buffer the parking and the building.
- **Fred Hancock** said the offer does not note that a stone relief is to be done for the wall.
- **Christina Brown** said perhaps the Landscape Plan should be conditioned to include materials for visual softening and perhaps LUPC should see and approve the material as part of the Landscape Plan.
- **James Joyce** said the applicant did offer that.
- **John Breckenridge** said it was in the testimony but not in the plan.
- **Fred Hancock** did not think it needed to go back to LUPC.

John Breckenridge moved and it was duly seconded that the concrete retaining wall will be on all sides and shall display a cut stone appearance to provide a natural appearance and the materials to be provided to LUPC as submitted by the applicant. Voice vote. In favor: 9 . Opposed: 0. Abstentions: 0. The motion passed.

John Breckenridge moved and it was duly seconded to include language that a raised vegetative berm will be required on the lower vegetative buffer to help prevent runoff to the abutter's property.

- **Joan Malkin** asked how wide would John Breckenridge recommend the berm to be.
- **John Breckenridge** said it can come back to LUPC with the Landscape Plan as we do not have an actual engineered plan.
- **James Vercruysse** said it seems that is an engineering issue and can the MVC say that a berm will contain that problem of run off. The applicant has to contain run off on their property. It appears a berm will create a dam on his property.
- **John Breckenridge** said that this property is so unusual he feels it is a necessary component.
- **James Vercruysse** said because of that he thinks the berm could create a bigger issue. It may not be appropriate to engineer it at this point.
- **John Breckenridge** noted that the MVC did not have the engineered plan.
- **Christina Brown** suggested that the engineered plan come back to LUPC as part of the stormwater management plan.
- **Joan Malkin** said potentially another reason to have the berm is for the greening of the property. Perhaps the MVC should require that the engineer says if it can or cannot be accomplished and also suggest a better way to deal with it.
- **Christina Brown** said this should be included under the first bullet of the stormwater offer.

John Breckenridge withdrew his motion.

There was a discussion about the boundary with Shirley's Hardware.

- **John Breckenridge** asked what exactly is the contour of the property with Shirley's Hardware. Excavation and retaining walls with Shirley's boundary should match the excavation plans and should be submitted before excavation commences.
- **Fred Hancock** said the MVC had talked about a Memorandum of Understanding of how the MVC treats the boundary with Shirley's.
- **John Breckenridge** said the bottom line is that the MVC needs to know how that will match up with Shirley's boundary.
- **Joan Malkin** said it is the applicant's responsibility to be sure that his side of the boundary, on his property, is secure and that his property meets Shirley's boundary.
- **Adam Tuner** noted that the applicant has said that he will meet with Shirley's but the MVC has not seen the agreement.
- **Bill Veno** said the applicant's submitted plan shows a retaining wall with a fence on Shirley's boundary.
- **Joan Malkin** said there will be a fence if the need for a retaining wall is eliminated because both have decided to meet the grade and then the applicant can come back to the MVC for a minor modification.
- **Adam Turner** said the two parties have come to an agreement but the MVC has just not seen it yet.

Joan Malkin moved and it was duly seconded that there will be a retaining wall with a fence on the boundary for Shirley's Hardware and if the retaining wall is eliminated because the applicant and Shirley's Hardware has come to a different agreement to meet the grade, then the applicant will come back to LUPC. Voice vote. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.

There was a discussion about the Memorandum of Understanding with the Town of Tisbury

- **John Breckenridge** said the site alteration and construction will not begin until the Memorandum of Understanding with the Town of Tisbury is submitted to the MVC. This basically came from the Tisbury Planning Board's letter.
- **Fred Hancock** said this understanding should also include maintenance of landscape on that side.
- **Leonard Jason** said he thought the MVC got away from third party conditions. If the memorandum is not received the applicant cannot start construction.
- **James Vercruysse** agreed with Leonard Jason. It could open up a difficult situation.
- **Fred Hancock** said the applicant has to get an easement from the town to be able to build the wall as he cannot do it from his property. The applicant knows he has to get the towns okay.
- **Adam Turner** said he believed that the town is agreeable. They just need to get the Memorandum of Understanding.

James Vercruysse moved and it was duly seconded that the applicant has to show evidence that he has permission to maintain vegetation on town property.

- **John Breckenridge** suggested that staff would be sure to have it worded properly.

Voice vote. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.

There was a discussion about the vegetative buffer.

- **John Breckenridge** questioned the width of the vegetative buffer. It has been noted as four feet and also as five feet. What is the MVC's preference? Is five feet enough?
- **Fred Hancock** said on High Point Lane it is stated as four feet. Is that okay or should it be something else?
- **Joan Malkin** felt that four feet is negligible.
- **Fred Hancock** suggested the MVC vote on four feet and then go from there.
- **Christina Brown** said the MVC should look at the plan. Is there room for something more than four feet.
- **Joan Malkin** said the applicant presented a plan with four feet and either that is enough or it is not acceptable but the MVC should not be tinkering with it.
- **Fred Hancock** said the condition confuses the plan. It is more confusing than helpful. The Commission should reference the plan.

Stormwater/Waste Recycling/Spill Containment

Christina Brown moved and it was duly seconded that the applicant had agreed to add a final stormwater plan that shall include having a raised vegetative berm to control runoff unless an engineer determines otherwise. Voice vote. In favor: 8. Opposed : 1. Abstentions: 0. The motion passed.

John Breckenridge moved and it was duly seconded that language be added to bring the property into compliance for four consecutive quarters and any alternative method is to be approved by the MVC. Voice vote. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.

There was a discussion about spill containment.

- **Fred Hancock** noted that at LUPC oil separators were brought up. He also noted that Leonard Jason had brought this up as well.

- **John Breckenridge** said he has every confidence that Joe DeBettencourt will run a high end operation. Nevertheless, there could be an accident and it will go to Tashmoo Pond and through Zone 2 which is where the town water goes through.

John Breckenridge moved and it was duly seconded that all lubricants and fluids shall be contained and the applicant shall work inside not outside.

- **John Breckenridge** noted that at the hospital it was required that there be an ab-tech ultra urban filter or the equivalent and he suggested doing the same for this project. He also suggested that oil catchers and fluid catchers in exterior basins and the O & M manual maintenance be done and inspected quarterly.
- **Ernie Thomas** asked if it can be conditioned that the applicant has to work inside. **John Breckenridge** felt that would be hard to enforce.
- **Ernie Thomas** said if the filters are added and the applicant does work outside then the fluids/lubricants would be caught in the filters.
- **Leonard Jason** asked if that is what they have in gas stations. **John Breckenridge** said he did not know those requirements.
- **Leonard Jason** asked why it was done for the hospital. **John Breckenridge** said it was due to so many wetlands in the area and was done to protect the environment.

Ernie Thomas amended the motion to remove the restriction to have the applicant to work inside if the drain filters are installed outside. Voice vote. In favor: 7. Opposed: 2. Abstentions: 0. The motion passed.

Joan Malkin said the material the parking lot is be constructed of is rap and asked if that is noted as part of the plan. **Fred Hancock** confirmed it is.

John Breckenridge moved and it was duly seconded that the applicant shall provide an O & M maintenance contract for the denitrification system. Voice vote. In favor: 7. Opposed: 1. Abstentions: 1. The motion passed.

There was a discussion about submitted plans to the DEP.

- **Christina Brown** thought the following condition should be modified "The applicant shall submit plans to the Massachusetts Department of Environmental Protection to ensure that all environmental regulations required of the proposal have been met". Why is the MVC saying that and in relation to what approval? There is no enforceability and she suggested adding language to ensure all environmental regulations required of the proposal have been met and provide documentation of that to the MVC before the Certificate of Occupancy is issued.
- **James Vercruyse** asked if the MVC can put that condition in. The DEP may not have jurisdiction. He looked and could not find any for the DEP.
- **Fred Hancock** noted that the applicant has to get his State permits so the condition should be removed and noted it is the consensus of the MVC not to incorporate that recommended condition.

There was a discussion about the denitrification system and connecting to the sewer.

- **John Breckenridge** said in all fairness to the applicant he needs to recoup his investment for the denitrification system. So if the sewer becomes available the applicant will hook into the sewer within ten years of the initial installation of the denitrification system.

- **Joan Malkin** said the applicant is making the investment for the denitrification system but should the MVC only be giving him a ten year grace period to hook into the sewer.
- **Leonard Jason** said this is only if the sewer is on State Road by High Point Lane.

Joan Malkin moved and it was duly seconded that the applicant must hook up to the sewer system if it is available for him within ten years of his Certificate of Occupancy. Voice vote. In favor: 9. Opposed: 0. Abstentions:0. The motion passed.

Environment

Fred Hancock noted that the first bullet under Environment should also be deleted as it was similarly done for stormwater; "The Applicant shall submit plans to the required regulatory agencies to ensure that all environmental regulations required of the proposal have been met".

Adam Turner thought the last bullet was taken out at LUPC and **Fred Hancock** said the applicant put it in the offers; "The applicant will be recycling used oil in house and burning it in a waste oil furnace and storage will be UL listed waste oil tank".

Energy /Sustainability

There was a discussion about possible installation of solar panels.

- **Fred Hancock** noted that the building is amenable for the installation of solar panels.
- **Adam Turner** thought that was taken out of the offers at LUPC.
- **Fred Hancock** noted that the applicant had put it in the offers.

Hours of Operation/Noise

There was a discussion about the hours of operation.

- **Fred Hancock** asked if when the mechanics or autos are dropped off is it that part of the hours of operation.
- **Joan Malkin** and **Leonard Jason** said language should be added "in case of an emergency".
- **James Joyce** questioned what happens on Sunday if there is a drop off, is that part of the hours of operation?

Joan Malkin moved and it was duly seconded to add language the hours of operation are from 8:00 a.m. to 6:00 p.m. Monday to Saturday except in an emergency. Voice Vote. In favor : 9. Opposed: 0. Abstentions: 0. The motion passed.

John Breckenridge moved and it was duly seconded to extend the meeting 30 minutes. Voice vote. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.

There was a discussion about the location of the mechanicals/HVAC.

- **James Joyce** asked if the second bullet is included "All mechanicals, HVAC and exhaust fans shall be located on the east side of the building, not on the roof, to minimize the impact on the neighbors".
- **John Breckenridge** and **Adam Turner** said it is an offer and should be kept.

John Breckenridge moved and it was duly seconded to revise the language; All mechanicals, HVAC and exhaust fans shall be located on the side of the building, not on the roof, to minimize the noise to the neighbors and the view from the

public way. Voice vote. In favor: 8. Opposed: 1. Abstentions: 0. The motion passed.

4.3 Benefits and Detriments

Benefits

It is an appropriate use in this zoning area.

Wastewater has been done with sensitivity in an impaired watershed and within the levels of the MVC policy.

Night lighting and noise are neutral and a non-issue.

Traffic and transportation are neutral and a non-issue.

With regards to scenic value the project is in keeping with the neighborhood.

The applicant is making an affordable housing contribution.

The project will increase the tax base and provides a service to the community.

It is an efficient use of the lot.

The project meets zoning and meets the regional objectives in a very limited concentrated commercial district.

DCPC regulations do not apply to this proposal.

The proposal is a service that the community needs and it promotes the local economy.

Detriments

The development of the site to accommodate this project may not be the most appropriate site.

The project is in a business district but the property is being re-contoured to address the topography of the lot.

Character and Identity is a detriment.

The proposal does not satisfy the MVC landscape plan.

James Joyce moved and it was duly seconded to approve the proposal as presented with the MVC conditions as approved by the Commission.

- **John Breckenridge** said in general he troubled with the project's total alteration of the property and the impacts on the environment. But it is the perfect location for the project and it is in a commercial zone. The MVC has added conditions to protect the environment and soften the massing of the building. The applicant is doing a great job with the project.

Roll call vote. In favor: J. Breckenridge, C. Brown, F. Hancock, L. Jason, J. Joyce, K. Newman, E. Thomas, J. Vercruyse. Opposed: J. Malkin. Abstentions: none. The motion passed.

Fred Hancock, Chairman noted that the written decision will be scheduled for December 17, 2015.

The meeting was adjourned at 10:25 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Martha's Vineyard Commission C.R. #7-2015 Evolve Pilates Studio MVC Staff Report – 2015-12-03
- Letter to the MVC, Dated November 12, 2015 from the Town of Edgartown The Planning Board, Alex Alexander, 250 Upper Main St (20A-78.1)
- Bsmt & First Floor Plan, Building Sections and Elevations Evolve Pilates Studio Addition, Dated 10/16/15
- Site Plan prepared for Alex Alexander Dated November 2, 1015
- Martha's Vineyard Commission DRI #391-M3 MV Refuse District Expansion MVC Staff Report –2015-12-03
- Email from Matt Poole to Paul Foley, Dated November 30, 2015, Re: MVRRRD
- Letter to MVC , Dated December 3, 2015 from Paul Hannigan, RE: DRI 391 MV Refuse District
- Email to Paul Foley from Don & Betsy Harrington Dated December 3, 2015, Subject: MVRRD Meeting
- MVRRD Questions and answers from Don Hatch Dated November 30, 2015
- Martha's Vineyard Commission Land Use Planning Committee Notes of the Meeting of November 30, 2015
- DRI #656 DeBettencourt Garage High Point Lane – Applicant Offers, Dated November 15, 2015
- DRI #656 DeBettencourt Garage High Point Lane Possible Conditions/Issues for Consideration
- Letter from the Tisbury Planning Board to the Tisbury Board of Selectmen, Dated November 6, 2015, DeBettencourt High Point Lane Garage
- LUPC Recommendation to the Full Commission DeBettencourt High Point Lane Garage



Chairman

2-10-16

Date



Clerk-Treasurer

2/11/16

Date