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## Minutes of the Commission Meeting Held on January 21, 2016 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

### IN ATTENDANCE

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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)	- Katherine Newman (A-Aquinnah)
P Christina Brown (E-Edgartown)	P Doug Sederholm (E-West Tisbury)
- Peter Connell (A-Governor; non-voting)	P Abe Seiman (E-Oak Bluffs)
- Robert Doyle (E-Chilmark)	P Linda Sibley (E-West Tisbury)
P Josh Goldstein (E-Tisbury)	P Ernie Thomas (A-West Tisbury)
P Fred Hancock (E-Oak Bluffs)	P James Vercruysse (E-Aquinnah)
P Leonard Jason (A-County)	

Staff: Adam Turner (Executive Director), Bill Veno (Senior Planner), Christine Flynn (Economic Development and Affordable Housing Planner), Curtis Schroeder (Administrator).

**Chairman James Vercruysse** called the meeting to order at 7:00 p.m.

### 1. ISLAND SOURCE OFFICE-EDGARTOWN DRI 652-M2 MODIFICATION REVIEW

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

For the Applicant: Tom Seiman

#### 1.1 Staff Report

**Bill Veno** presented the following.

- The approved mini storage and Island Source Office has applied for modification.
- The applicant wants to reconfigure space inside the building for new offices.
- The existing first floor office space will be reconfigured to provide a small office for the self-storage operation. A portion of the mezzanine, which is used for storage, will be reconfigured for three additional offices for the Island Source business.
- The site and floor plans were reviewed. Windows will be added for the mezzanine office space.
- The applicant does not anticipate any additional employees.
- The applicant has gone before the Airport Commission and received approval for the modification.
- The question before the Commissioners is whether this modification is significant enough to require a public hearing and, if not, whether to approve the modification.

#### 1.2 Applicants' Presentation

**Tom Seiman** presented the following.

- He needs to expand office space for the Island Source business. There are now two to three more people working in the office and it is more crowded.
- He wants to provide individual offices and have private space to work in.
- A second bathroom is needed and will be added. One bathroom will be handicap accessible.
- There is no anticipated change in the number of employees so the modification will not affect the wastewater needs or the number of cars and trip generation.
- Vineyard Self Storage would have its own office space.
- Approval was received about ten days ago from the Airport Commission.
- Entry into the property is on the east side.
- Parking spaces are in the front of the office and they are not totally utilized.

### **1.3 Commissioners Questions**

**Joan Malkin** said there is a lot of space at the location and if the applicant decided they wanted to hire more employees it would increase the demand on the bathroom facilities. How would that affect the future capacity for wastewater. **Bill Veno** said the facility is on the airport sewer system.

There was a discussion if there was a need for a Modification Review of this request.

- **Leonard Jason** asked why the applicant is before the MVC based on the request.
- **Linda Sibley** said the applicant is being diligent.
- **Bill Veno** added that the applicant is before the MVC with an abundance of caution.

**Leonard Jason** asked how big the building is and what is the square footage of the mezzanine. **Tom Seiman** said the building is 6,000 sf and the mezzanine is about 700 sf.

There was a discussion about customer access to the upstairs offices.

- **Leonard Jason** asked if there would be customers upstairs.
- **Tom Seiman** said there would not be.
- **Doug Sederholm** asked if that was part of the proposal otherwise the upstairs would have to be ADA accessible.
- **Tom Seiman** said it is part of the proposal.

**Linda Sibley moved and it was duly seconded that the modification is not a substantial change 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 changes as proposed. Roll call vote. In favor: J. Breckenridge, C. Brown, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, A. Seiman, E. Thomas, J. Vercruyssen, D. Sederholm, L. Sibley. Opposed: none. Abstentions: T. Barnes. The motion passed.**

## **2. ADOPTION OF BUDGET FISCAL YEAR 2017**

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, D. Sederholm, A. Seiman, L. Sibley, E. Thomas, J. Vercruyssen.

**John Breckenridge**, Treasurer, summarized the MVC Fiscal Year 2017 Budget.

- The Finance Committee met on several occasions and reached out to the towns and answered their questions.
- The budget shows a modest increase of \$5,000 from last year. There is no increase to the towns.
- Salaries and their related costs represent 84% of the budget.
- Salaries this year will decrease due to the hiring of the new Executive Director.
- The Commission's staff salaries are adjusted using a Cost of Living Adjustment (COLA) formula based on the average of the towns and County increases for the previous fiscal year (1.84%).

Each staff member is also eligible for average merit increase equivalent to the town's average step increases (2.4%).

- The budget includes an on-going effort to pre-fund Other Post-Employment Benefits (OPEB) of \$30,500 based on the Commission's policy of increasing this payment by \$5,000 a year. It also includes a policy to use annual surplus, after the General Reserve Fund is fully funded, to go to OPEB payments.
- The MVC is putting together a five year capital improvement budget.
  - **Josh Goldstein** asked what the MVC building is worth.
  - **Curtis Schroeder** said the MVC owes about \$370,000 on the building.
  - **Leonard Jason** asked if the building was refinanced.
  - **Curtis Schroeder** said it was and it is a fixed loan at 5% for 25 years.
- One of the biggest variables for the budget is Legal.
- It is the Finance Committees job to help and direct the Executive Director and Administrator in the preparation of the budget.

**Fred Hancock moved and it was duly seconded to accept the budget as proposed. Voice vote. In favor: 13. Opposed: 0. Abstentions: 0. The motion passed.**

**John Breckenridge** thanked the Finance Committee for their work.

### **3. SOUTHERN WOODLANDS-OAK BLUFFS DRI 555-2M MODIFICATION REVIEW**

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*Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, D. Sederholm, A. Seiman, L. Sibley, E. Thomas, J. Verduyck.*

*For the Applicant: Geoghan Coogan*

#### **3.1 Staff Report**

**Bill Venio** presented the following.

- At the last MVC meeting for the modification, there was a discussion about the preservation of the subdivision.
- Offers were made and some conditions were made and there was a concern for how it would affect the previous decision. The MVC staff reviewed and has prepared Potential Conditions to the 2016 Modification.
- The applicant is asking for four basic things.
  - Reconfiguration of the lot lines of what was approved by the MVC in 2004. The Town reconfigured lots and it has impacted some open space of the subdivision.
  - The applicant wants to remove the equestrian facility which was a keystone of the original residential development.
  - The common open space was to be under a Conservation Restriction and they no longer want to be tied to that. At the time of the original decision, the applicant might have been under the impression that the Town's zoning required it.
  - The applicant wants to change the way the affordable housing monetary mitigation is handled. Rather than a perpetual contribution, they want to do a lump sum. It would take 34 years under the current mitigation plan to match the proposed \$700,000 lump sum figure.

**Doug Sederholm** asked if what is being shown is the conceptual plan of March 19, 2004. **Bill Venio** said it was and he then reviewed the plan. The area that has been cleared was shown and the area that will remain as open space and where the pond will be was also reviewed. The trails for the Special Ways will now remain open to the public.

- The applicant is also requesting to reduce the buffer along the Special Ways. The 2004 condition says it should be a “50-foot buffer as stated in the DCPC regulations.” The Town’s DCPC regulations do require a 50-foot buffer along both sides of the Special Ways but the regulations also allow reduction of the setbacks by Special Permit with good reason.
  - **James Joyce** asked if there is a minimum for the buffer. **Bill Veno** said the applicant offered to have as low as 10 feet on each side.
  - **Doug Sederholm** noted the applicant is asking for a reduction from 50 feet to 30 feet. What is the norm, 20 feet from the center line of the path to either side?
  - **Fred Hancock** said in the Southern Woodlands, the DCPC is 50 feet.
  - **Leonard Jason** asked who is the permit granting authority that allows for a smaller buffer. **Fred Hancock** said it is the Planning Board.
  - **Doug Sederholm** asked if the Exhibit A plan is attached to the applicant’s offer. **Bill Veno** said it was.
  - **Fred Hancock** said the applicant has also proposed a no cut zone of 50 feet. Do they no longer have regulations for that?
  - **Leonard Jason** said each the Town used to require subdivision roads to have access to adjacent subdivisions in case of fire. **Geoghan Coogan** said he did not believe that those regulations still exist. He noted that with the buffer on the lot lines there are 50 foot setbacks. The buffer that runs along the road the applicant will be trying to minimize. Either side of the lot line has 50 feet.
  - **Doug Sederholm** said but it is not a no cut buffer.
  - **John Breckenridge** said isn’t a no cut zone no larger than 10 caliper.
  - **Geoghan Coogan** said the top buffer would be no cut.
  - **Bill Veno** noted that the buffer for Special Ways should also be no cut.

There was a discussion about the access to the lots.

- **Linda Sibley** asked if the circular area on the plan is the access to all the lots and how wide is it. **Bill Veno** said yes and it is 30 feet.
- **Linda Sibley** asked if it meets current building codes for the Fire Department. **Geoghan Coogan** said it did.

**Joan Malkin** asked for clarification on the modification as a whole.

- **Linda Sibley** noted that some Commissioners were not at the last MVC meeting for the modification and it was voted to not have a public hearing, so the Commission is trying to figure out if the MVC is ready now to approve the modification.
- **Fred Hancock** noted that the applicant has asked to make modifications and the MVC is looking to see if and how the proposed modifications fit with the original decision.
- **Doug Sederholm** did not feel the MVC can condition certain things that had not been previously conditioned.

### **3.2 Modification Review**

**James Vercruysse**, Chairman suggested reviewing each condition of staff’s compilation individually.

M-1 Modification of Plans

- **Doug Sederholm** said it should say they want to substitute Exhibit A for the plan in the 2004 Decision. One plan drawing should be substituted for another.
- **Bill Veno** said what the applicant is submitting affects only parcels A, F and E of the 2004 plan.
- **Joan Malkin** said she thinks it only substitutes for certain parcels.

- **Fred Hancock** said it is saying the project was described as a 290 acre property of which 190 acres were to be conserved by the Land Bank as publicly accessible open space and the remaining 93 acres developed. The MVC should reference the date of the plan.
- **Doug Sederholm** suggested adding the word “only” to “The Commission further notes that this offer only...” and to include the date of the plan.
- **Geoghan Coogan** said the date of the plan is December 12, 2015.

#### M-2 Relocation and Public Use of Special Ways

- **Bill Venio** identified the condition on the plan and suggested if the MVC is okay to the Special Ways being relocated, then to leave the flexibility with the Town.
- **James Vercruysse** asked if M-2 is just clarifying what the applicant wants to do.
- **Leonard Jason** suggested revising the language so if the applicant wants to change they can. He suggested replacing “are to” with the word “may”, “may be re-routed as shown on the Plan...”.

#### M-3 Special Ways Buffer Zones

- **Bill Venio** said the MVC can clarify the buffer zone is 15 feet on either side of the center line. Does the Commission want to grant the flexibility for the buffer to be reduced?
- **Doug Sederholm** said the offer says a minimum of 30 feet when before it was 50 feet so why allow the applicant to have even less. Would it be fair to clarify to 15 feet on either side of the center line? **Geoghan Coogan** said it would and agreed to it.
- **Doug Sederholm** suggested deleting the language for the last section of M-3 and keeping the line starting with “at some time in the future,...”.

#### M-4 Prohibition of Driveways in Special Ways Buffer Zones

- The Commissioners agreed that the language for Section M-4 is okay as offered.

#### M-5 Extra Setback and No-cut Zone on Three Lots

- **Bill Venio** showed where lots 12, 13 and 14 are located, on which the offer places open space buffers.
- **Fred Hancock** noted it is a very steep grade in that area.
- **Bill Venio** asked the Applicant if the lot layout on the Exhibit is exactly as it exists now. **Geoghan Coogan** said it is and bounds are in the process of being staked.
- The Commissioners agreed that the language for Section M-5 is okay as offered.

#### M-6 Modification of Affordable Housing Mitigation

- **Josh Goldstein** said it is a lot of money to get now for affordable housing versus waiting 30 years.
- **Doug Sederholm** noted the MVC would be conditioning something that the MVC already voted on. He is concerned with the substantive issue of adding it. **Geoghan Coogan** said the applicant will make it part of their offer.
- There was a discussion about deleting the last line of the section.
  - **James Vercruysse** said the last line of the section should be deleted, “Funds not used for the designated purpose within a reasonable number of years shall be returned to the DRI applicant”. **Christine Flynn** noted that when language was drafted several years ago with counsel, when a monetary mitigation is offered the applicant should have the ability to know how the money is being used, and if the mitigation money is not used for that purpose it should be returned to the Applicant.
  - **Linda Sibley** asked why this money should not be used for rental subsidies. **Christine Flynn** said similar language was also used for the Field Club. Counsel said that rental subsidies were not really going to bricks and mortar. **Geoghan Coogan** added that it is his understanding that the Oak Bluffs Affordable Housing Trust has approximately \$300,000

- and, with the applicant's offer, within the next few months it will have \$1,000,000. He felt his client will want to see it being used to increase the amount of affordable housing.
- **Doug Sederholm** said it is what the applicant has offered and felt the MVC could move forward.
  - **Trip Barnes** said he did not want to fund affordable housing if it is not on leased land so the Town retains control.
  - **Geoghan Coogan** agreed to delete the last line and if the Oak Bluffs Affordable Housing Trust doesn't use the money in a certain amount of time does the MVC want to have some control to be sure it is used. **Joan Malkin** asked when the applicant hands over their check are they going to make it conditional. **Geoghan Coogan** said when the applicant goes back to the Planning Board the MVC conditions go back as well.

#### M-7 Bedroom Limitation and Enhanced Septic Treatment

- **Fred Hancock** asked if the applicant is basically selling the lots and telling how many bedrooms are allowed per each lot. **Geoghan Coogan** said yes and it will go to the Planning Board and the Board of Health.
- **Fred Hancock** asked if the applicant would want to include the option of using a clustered septic system to give them the future possibility. **Joan Malkin** said the applicant could always come back for a modification.
- The Commissioners agreed that the language for Section M-7 is okay as offered.

#### M-8 Homeowners Association

- **Fred Hancock** noted that these developers are not staying - they are selling the lots. The Homeowner Association will be enforcing all of the conditions and the Homeowner Associations rules. In the Homeowner Association rules there should be how the open space is managed and how the pond is built and maintained, as they are both referenced in the original decision. He thinks it is important to have it in front of the people who are living in the subdivision.
- **Christina Brown** asked for clarification of the original Condition 9 which says there will be a Conservation Restriction placed on the open space. Why was the Conservation Restriction removed? **Geoghan Coogan** said the Conservation Restriction is a "pain in the rear end" to get for land already designated open space on the plan. Homeowner covenants can control that as well.
- **Joan Malkin** asked if the MVC needs to add the pond to M-8 as it is open space. **Fred Hancock** said the pond isn't noted on the plan so it would be good to have it included somewhere. **Doug Sederholm** suggested revising the language for the last line "including but not limited to the pond and pond maintenance shall be completed to the satisfaction of MVC counsel."

#### M-9 Area of Lot Alternation

- **Geoghan Coogan** said as a point of clarification the language in red is what he thought the applicant was putting in as part of their offers and not the first two sentences (that are not in red).
- **John Breckenridge** said there is a lot of building envelope. Outside the envelope it says the applicant can still do some cutting not to exceed 30% of 10" caliper. That does not give the homeowner ability to cut in the no cut buffer zone? Perhaps it should be overly specific and suggested revising the language "In areas outside of the lot building areas (excluding any no cut buffer zones) the cutting of trees...".
- **Doug Sederholm** noted that the word "will" should be revised to "shall" on lines 3 and 5.
- There was a discussion about the last paragraph of M-9.
  - **Linda Sibley** said if the language is kept, changes cannot be made, so perhaps the language should be added as housekeeping.

- **Doug Sederholm** suggested revising the language to “The Decision of April 8, 2004, the Original Decision, except as expressly modified herein remains in effect.”

**Joan Malkin moved and it was duly seconded to approve the modification as presented and modified. Roll call vote. In favor: T. Barnes, J. Breckenridge, C. Brown, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, D. Sederholm, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.**

*Josh Goldstein and Doug Sederholm excused themselves from the meeting.*

#### **4. NORTH BLUFF SEAWALL-OAK BLUFFS DRI 659 WRITTEN DECISION**

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

**John Breckenridge** noted that on line 28 the applicant was originally going to use CPA funds but after rebidding the process they didn’t have to use them and it should be deleted from the line. Line 27 should be revised to “two funding sources...”.

**Adam Turner** noted that on line 68 language needs to be added to reference the plan and the date of the plan.

**John Breckenridge** asked if on line 107 for Oral Testimony from Public Officials if Greg Coogan should be added. **Adam Turner** clarified he was at the second hearing and should be added after line 127.

**John Breckenridge** noted that line 148 needs to be revised to “two funding sources...” and the deletion of CPA funds.

**Linda Sibley** noted a grammatical edit on 192 to revise to “wall’s”. **John Breckenridge** said it should be “sea wall’s”.

There was a discussion about the language on line 236.

- **John Breckenridge** said the following language should be deleted “the addition of conditions as offered such as those relating to keeping the pier unadorned...”.
- **Joan Malkin** suggested keeping the language “the addition of conditions as offered” and deleting the language “such as those relating to keeping the pier unadorned,”.

**Adam Tuner** noted that additional language has been added to section 5 Conditions, 1 Lighting, as more specific testimony regarding the lighting is now included.

**Adam Turner** noted that on line 287, language was added “on that section” as clarification.

**Fred Hancock moved and it was duly seconded to approve the Written Decision as corrected. Roll call vote. In favor: T. Barnes, J. Breckenridge, C. Brown, F. Hancock, L. Jason, J. Joyce, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse. Opposed: none. Abstentions: J. Malkin. The motion passed.**

#### **5. M.V. REFUSE AND RESOURCE RECOVERY DISTRICT DRI 391-M2 PUBLIC HEARING CONTINUED TO FEBRUARY 4, 2016 WITHOUT TAKING TESTIMONY**

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

**James Vercruysse**, Chairman, opened the Continued Public Hearing at 8:30 p.m. and continued the public hearing without taking testimony until February 4, 2016.

## 6. NEW BUSINESS

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

### **6.1 Reports from Chairman, Committees and Staff**

**James Vercruysse**, Chairman, appointed Fred Hancock as Land Use Planning Committee Chairman and thanked Linda Sibley for her unwavering service as LUPC Chair .

**Bill Veno** provided the Commissioners with information regarding Bay State Roads. The State requires that all towns have a representative attend training to be eligible for financial assistance. Priscilla Leclerc was able to get them to bring a workshop to the Island on March 16, 2016.

### **6.2 Executive Director's Report**

**Adam Turner** presented the following.

- Tomorrow, January 22, 2016, the MVC will apply for a \$750,000 grant for EPA's Southeast Coastal Watershed Grant. It is a federal grant to fund the installation of permeable reactive barriers to remove nitrogen. The grant looks for innovative approaches. The barrier will be for Lagoon Pond. In February it is decided if we should move forward and in July the MVC will find out if the grant will be awarded.
- He has met with the Edgartown Planning Board to discuss the Stop & Shop traffic study. Staff and the board are working jointly on the traffic study scope. He is trying to get the Planning Board and the MVC not to do separate things, such as a traffic study, when one can be done rather than two.
- The Edgartown Stop & Shop will be referred on March 15, 2016 and will get to the MVC in early April.
- The Squibnocket Beach Improvement has been referred to the MVC. It includes reconfiguration of the parking lot and the causeway as well as getting the beach back to its original condition.
- With regards to municipal projects and what to do when the MVC gets them, he wants to immediately write to the referring town and ask for information and meet with the groups early on to get open communication.
- He noted that the Commission has fallen behind in consideration and adoption of the meeting minutes and he will send them out in the next couple of days so the Commissioners can review them in advance of the meeting.

**James Vercruysse** asked who the applicant is for the Squibnocket causeway. **Adam Turner** said the Town of Chilmark is the applicant for the parking lot but not the causeway but he thought the commission should consider the project as two projects but conduct one joint public hearing.

**Leonard Jason** asked if the causeway will be a modification of the subdivision. **Adam Turner** said it would be.

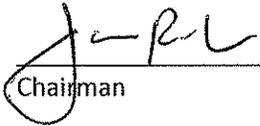
**Trip Barnes** asked if there is any word on the Vineyard Haven Stop & Shop. **Adam Turner** said he heard Stop & Shop will do Edgartown first and then Vineyard Haven.

The meeting was adjourned at 8:45 p.m.

### **DOCUMENTS REFERRED TO DURING THE MEETING**

- Martha's Vineyard Commission Draft Final Budget FY 2017, dated January 21, 2016
- DRI 555-2M – The Preserve at the Woodlands/Southern Woodlands Reservation Modification, Potential Conditions to 2016 Modification, from Senior Planner Dated January 21, 2016

- DRI 555-2M – The Preserve at the Woodlands/Southern Woodlands Reservation Modification Potential Updates to 2004 Conditions
- Decision of the Martha's Vineyard Commission DRI 659 – North Bluff Sea Wall Replacement

  
Chairman

3/24/16  
Date

  
Clerk-Treasurer

3/27/16  
Date