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**Minutes of the Commission Meeting
Held on February 18, 2016
In the Stone Building ,
3 New York Avenue, Oak Bluffs, MA**

IN ATTENDANCE

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

P Tripp Barnes (E-Tisbury)	P James Joyce (A-Edgartown)
P John Breckenridge (A-Oak Bluffs)	P Joan Malkin (A-Chilmark)
P Christina Brown (E-Edgartown)	P Katherine Newman (A-Aquinnah)
- Peter Connell (A-Governor)	- Doug Sederholm (E-West Tisbury)
P Robert Doyle (E-Chilmark)	P Abe Seiman (E-Oak Bluffs)
P Josh Goldstein (E-Tisbury)	- 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), Priscilla Leclerc (Transportation Planner), Sheri Caseau (Water Resource Planner), Christine Flynn (Economic Development and Affordable Housing Planner).

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

1. MV REFUSE AND RESOURCE RECOVERY DISTRICT-EDGARTOWN DRI 391-M3 CONTINUED PUBLIC HEARING

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

For the Applicant: Don Hatch (Manager of District), Mark White (Project Manager)

James Vercruysse, Chairman noted that Christina Brown has been rehabilitated under 6.62.1 and has submitted an affidavit and will be participating in tonight's continued public hearing.

Fred Hancock, Public Hearing Officer opened the Continued Public Hearing at 7:02 p.m.

1.1 Staff Report

Bill Veno presented the following.

- A response has been received from Environmental Partners regarding some of the issues that had been raised at the last public hearing. Correspondence was also received from Paul Hannigan and has also been included with the Staff Report.
- The project has two main goals; to reconfigure circulation so it is not as congested and to separate residential activities from commercial activities.

- The site plan was reviewed.
 - **Josh Goldstein** asked if the site plan has changed.
 - **Don Hatch** said slightly from the last plan that was submitted.
- The height of the proposed berm on the south side has been increased to ten feet. Scaling from the plan, the berm is approximately 580 feet long and 80 feet wide.
- The proposal would remove many acres of trees and more than double the cleared area of the 23.66 acre site.
- The existing cleared area is 4.8 acres and the existing operations area is 3.13 acres.
- The proposed area for expansion for use of residential activities is 5.6 acres. The south entrance road (assumed 40' cleared for 20' road) is 0.9 acre, the north exit road is 0.3 acre and the berm is 1.1 acres.
- The applicant provided an evaluation of the well testing by Wright-Pierce dated January 29, 2016 finding water quality from sample wells has improved over the last six year sampling period than the 2000-2009 period.
- The site plan circulation for a resident who has both trash and recycling to drop off would drop off one then the other, as clarified by Don Hatch on February 4, 2016, but that was not clear on the site plan. The circulation plan was shown on the site plan.
- The numbers of trailers will decrease from 16 to 12.
- The applicant anticipates one additional employee will be needed to tend the residential drop-off area.
- The estimated cost of the proposed improvements is \$2.5 million.
- The District will finance the project through a bond. The applicant knows of no state or federal funding for the project.
- The abutters have questioned the large size of the improvements in light of the expansion not being intended to increase capacity.

1.2 Applicants' Presentation

Don Hatch said there was a concern about the overflow area for the existing drainage swale and he showed the additional over flow area on the site plan. Also a possible second scale may be added pending available funding and its location was reviewed on the site plan. The green areas on the plan will be planted with grass.

Fred Hancock noted that the MVC said the applicant should put the second scale on the plan so if the funds are received the applicant would not have to come back to the MVC.

1.3 Commissioners' Questions

John Breckenridge asked if the berm got wider in this Plan. **Mark White** said it is 12 to 15 feet wide horizontally.

John Breckenridge asked what the term of the \$2.5 million bond is. **Don Hatch** said it is 20 years and that a bond is currently retiring and they will be rolling into a new one.

There was a discussion about safety at the facility.

- **Christina Brown** asked if the applicant could say more about the public safety issue and have there been any safety issues at the facility.

- **Mark White** said there is a lot of congestion where the large window is and where the drop off for solid waste is, that window was never intended to be used by residents. So currently there is mixed residential/commercial traffic and the operators have to be careful with the residential use. In the winter it is a tricky as this is a very icy area. It is not designed for residents to use.
- **Christina Brown** asked if there have been any safety occurrences.
- **Don Hatch** said there have been numerous fender benders especially in the recycling area and noted that he felt it is worse than Five Corners.

There was a discussion about the location of the road.

- **Katherine Newman** noted that at the last public hearing there was a discussion about the possibility of moving the road for residential access to the facility. If the road is being moved how much area will be disturbed.
- **Don Hatch** said that relocating the proposed road would add to the congestion especially when there are hazardous material events. If there ever was an emergency during the hazard waste they would evacuate people into the road.
- **Katherine Newman** and **John Breckenridge** both spoke to the possible location for the road being straight down from the entrance point so there would not be a conflict with the hazardous waste.
- **Joan Malkin** indicated on the site plan the location being discussed and noted that it would move the road farther away from the neighbors.
- **Don Hatch** said that is a good question but in 20 to 30 years how would that affect the facility.
- **Leonard Jason** said if you move the road to the location being discussed you would still have the remainder of the property in the current proposed location to make any changes needed. In the meantime you would be a little further away from the neighbors.

Joan Malkin said there are six containers for the residential waste and recycling and are they each multi-purpose. **Don Hatch** said multi use was considered but the containers will not be multi-purpose.

Joan Malkin asked what happens if you miss one drop off does the residential customer go around again. She was concerned with the potential for cars backing up. **Don Hatch** said the first 6 containers are recycling and the later 6 would be solid waste. It has been discussed to alternate every other one. The proposed design leaves options to change. **Joan Malkin** thought the alternating might be a good idea.

Joan Malkin asked if the hazard waste access is one way or two way. **Don Hatch** said it is not a daily access road. Access would be as needed. It is not open access for customers it is for operational and emergency use only. It can be gated access.

James Joyce noted that the applicant is designing a new facility that requires an additional employee and questioned if it couldn't be designed to not require the additional help. **Don Hatch** said the facility would be a safer and cleaner environment if it can be monitored as to what is being disposed. The person would be working directly with the residents. It gives us more oversight of what people are disposing of.

Christina Brown said for the long range you will have a 20 year mortgage and is the life expectancy of the proposed facility that long. What do you know about how solid waste will be handled in the future and how would the facility be adaptable. **Don Hatch** said the State of Massachusetts as well as the Island Plan is aggressive about separating and segregating materials. The State would like to mimic California and have as close as possible to zero waste. We would have the space to be adaptable and meet the required changes especially with the potential of composting in the future. It is something that will need to be done. **Mark White** said trash disposable may be changed in the future especially with organic waste. Gypsum wall board has to be segregated now and many materials have to be pulled out by law. With recycling there is a lot of single stream now but there was a time of separation because you could get revenue and who is to say those revenues might not come back. The proposed design is trying to have a number of bays available so a change can be made if needed.

Fred Hancock said the timeframe for doing the work was brought up at the site visit and he asked the applicant to share that information. **Don Hatch** and **Mark White** said in a perfect scenario the time frame would be bidding the project in September/October, construction to be done in the winter and the new facility would be operating in the summer of 2017.

Ernie Thomas noted that the dump trucks and trailers will be restricted to a certain area so only cars are driving down the road at 5 to 10 mph which is what the neighbors are concerned about. So what is the difference in the amount of activity? **Don Hatch** said that the west side of the facility is where the new area is being put in and is where the noise will be with the trucks backing up and hearing the beeps so it is not changing.

James Vercruysse said that Matt Poole was asked to comment about compliance with DEP. **Bill Veno** read the response; In response to an inquiry by MVC Staff, the Edgartown Board of Health Agent (Matt Poole) 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".

Josh Goldstein asked if any consideration has been given to sound mitigation such as a high waste sound barrier. It would be a large wall, would it be practical? **Don Hatch** said it has been discussed to have plantings such as arborvitaes so there would be a barrier within the next ten years. The natural growth of trees and scrub helps with blowing trash. Your idea is practical for sound but not necessarily for trash. Do we line the whole street with arborvitaes or build a wall. **Bill Veno** showed the proposed site plan versus the revised site plan and how the berm has changed.

1.4 Testimony from Public Officials

Tom Pierce is a Commissioner for the Edgartown Refuse District and the proposed project has been presented to all of the towns as well as the town boards and it was approved. We are expanding laterally and not anywhere near the abutting properties and have taken into consideration the concerns of the neighbors.

Richard Osness is a representative from Chilmark and is on the Board of the MV Refuse District. The number one issue is public safety and the importance of separating residential and

commercial refuse. He has a business in Edgartown and observes everyday how the facility operates. The building in the center is used by the public as well as for heavy machinery. It needs to be separated. The eight member board is all for the plan. If he was a neighbor he would want to be heard and he respects that. We are all aware of the need for the new facility. All of the construction will be at ground level so it won't be seen from the road. The concern seems to be the road and is the turn in the road needed. The road would define a useable space. There will be no clearing beyond that road and looking toward the future, the four towns, as a regional undertaking ,supports the proposed road. It defines the workable space on the interior and avoids activity outside of the road, and he thinks it is the responsible thing to do per the plan. It is a very thick area and if needed planting will be done where necessary. In winter you can see lights through the area. We don't think it is the best option for the future to change the road from the proposed design.

1.5 Public Testimony

Fred Hancock, Public Hearing Officer noted that Public Testimony is addressed to the Commission and asked that only new information be presented. Prior testimony has been heard and is in the record.

JoAnn Hathaway said she and her husband Kevin Selby are abutters. They oppose the project. We are not Yarmouth we are Martha's Vineyard. We have asked if other Island facilities will be closed and the other towns will use Edgartown and we were told no. I looked at the other facilities and they have half the staff, a dirt road and a smaller facility and have no problems. The land slopes towards Watcha Path Road and nothing has been noted about bringing the berm higher. With regards to drainage it was just discussed about the overflow area. Where do the commercial trucks go? The first turn off for metal and heavy material is an accident waiting to happen with a U-turn. What if I have my car door open to drop off a TV, who is to say someone won't knock off my door getting to the computers? There is no way to turn around for residential drop off so you have to do the entire circumference again. The area now is huge and there is a sound barrier but it is big. I have seen hazardous material events and it is not staged. She does not approve of the project and feels it will be a major impact. We won't get more trash and people, we need practical not beautiful. This project is impractical. She thanked the MVC for hearing her concerns.

Elizabeth Harrington said the road goes close to Mr. Leaf's house. Has the applicant heard back from NHESP? When the project was being described she added up 16 acres but it only about 5 acres was mentioned. With regards to backing up cars the first turn off is the dreaded "L" road and it appears the drop off is contradictory from one week to the other.

Nils Leaf said when a car turns right on the "L" shaped road they will now be heading towards his house. Why can't the road be revised as discussed earlier? Why does the berm end half way as shown especially since the neighbors are concerned about the noise? Why not consider a sound barrier and berms?

Don Harrington said the road is just not a visual problem. There is no mitigation for sound. Why not have both berms and a sound barrier?

Janet Antonioni said she finds it ingenuous talking about the road not affecting the neighbors, it will and she feels like the applicant is talking out of both sides of their mouth.

Tony Bosselait asked the MVC and encourages them to revisit the noise barrier methodologies. He also heard tonight this might not be the right type of facility for the future for such things as organic waste. Do we have the right site? He is not sure we are quite ready to make this type of investment. Am I ready as a citizen to invest in this type of capacity when something different might be needed in the future?

JoAnn Hathaway said when the site visit was done there was snow and the Commissioners could not see how bad the facility is. They can't take care of it now so how will they be able to take care of it in the future. She has been to Falmouth and Bourne and the other facilities on Island and they don't have the trash spread out.

1.6 Commissioners' Discussion

There was a discussion about the buffer.

- **Joan Malkin** asked what the significance is of the 100 foot barrier.
- **Bill Veno** said the State set a 100 foot buffer and 200 feet was set by the MVC.
- **Mark White** said inside the 200 foot buffer is where all the waste management activities have to happen.
- **Joan Malkin** asked if there are any changes would the applicant have to come back to the MVC.
- **Fred Hancock** said the applicant would have to come back to the MVC.
- **Don Hatch** said currently the proposed roadway is within the 200 foot buffer.
- **Joan Malkin** asked Mr. Leaf to confirm the location of his house.
- **Bill Veno** showed the location of Mr. Leaf's home on the aerial view.

Trip Barnes asked what the hours of operation are. **Don Hatch** said 8:00 a.m. to 3:30 p.m. On Sunday the facility closes at 2:30 p.m., it is closed on Monday and there are no night operations.

Bill Veno reviewed the photos from the site visit including the entrance gate, the location of the proposed road, a view of the abutters from the roadway and a view looking towards the intersection of Barnes Road and West Tisbury Road.

James Joyce asked for confirmation that the applicant would have to come back to the MVC if the applicant wanted to do future expansion in the area that is being left vacant. **Fred Hancock** confirmed the applicant would have to come back to the MVC.

Christina Brown asked if the applicant could cut down all of their trees and not come back to the MVC. **Fred Hancock** said that could be conditioned.

1.7 Applicants' Closing Statement

Don Hatch mentioned that increased rates is a Board driven question and rates for bagged trash has not increased in ten years. They are proposing a minor increase for scale rate. The facility is proposing to go to nine employees, they currently have eight.

Christina Brown asked if the District is proposing to close the West Tisbury or Chilmark facilities in the future. **Don Hatch** said no they are overseen by their own towns and we have a contract with the town to haul material back to the District.

Fred Hancock, Public Hearing Officer closed the public hearing and left the written record open until 5:00 p.m. on February 25, 2016 and the post public hearing LUPC meeting will be March 7, 2016 with Deliberation and Decision on March 17, 2016.

There was a discussion about leaving the record open.

- **Christina Brown** suggested leaving the record open until NHESP has responded.
- **Fred Hancock** said NHESP is a higher authority than the MVC so if they say the project cannot be done, it can't.
- **Christina Brown** said they often offer valuable insight.
- **Adam Turner** said he can reach out to NHESP.
- **Priscilla Leclerc** asked with the public hearing closed does that mean the road will not move.
- **Fred Hancock** said the applicant can submit in written form as a plan to move the road.
- **John Breckenridge** noted the MVC can also condition it.

James Vercruyse, Chairman recessed the meeting at 8:15 p.m. and reconvened at 8:20 p.m.

2. NEW BUSINESS

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

2.1 Executive Director's Report

Standard Conditions

Adam Turner said the Standard Conditions address the issues of exterior lighting, landscaping, wastewater and stormwater, archaeological oversight, site abatement and alterations.

James Vercruyse asked how he derived these conditions. **Adam Turner** said he and Paul Foley looked at the various disciplines and he also added administrative conditions. He looked at what the MVC has worked on in the past as guidance.

James Vercruyse said the Commissioners will do a first review of the conditions and then they will be finalized at a later date.

- **1. Exterior Lighting**; there was no discussion on exterior lighting.
- **2. Landscaping**
 - **Joan Malkin** asked what the last sentence in 2.3 means.
 - **Christina Brown** thought it included all trees to be planted and all trees to be protected and perhaps the language should be revised.
 - **John Breckenridge** also agreed that any ambiguity should be removed from the language and language should also be added regarding plant species with quantities and size.

- **James Joyce** would like to see irrigation added to the landscaping condition.
 - **Joan Malkin** thought only for as long as needed to establish the plants and then it should not be required. The plants should be sustainable.
 - **Christina Brown** suggested language such as standard irrigation for establishment.
- **Fred Hancock** noted that in the past it has been said that the landscape plan is in perpetuity.
 - **Leonard Jason** noted that the plan would then be forever and a lot can happen.
 - **Fred Hancock** cited an example that if the MVC approved a project on the benefits and detriments and the landscape plan is to shield the neighbors then that is why it was required.
- **Katherine Newman** said that there is nothing stated about using native plants.
 - **Fred Hancock** agreed that the MVC looks favorably on native vegetation.
- **Adam Turner** noted that the standard conditions are not to replace the various MVC policies. It is a way to find a happy medium.
- **Joan Malkin** wondered if it should be said that the landscape plan should be consistent with the MVC policies.
- **Christina Brown** questioned the language “hazardous” for 2.4.
 - **James Vercruyse** said it is also dealing with no cut zones.
- 3. Wastewater and Stormwater
 - **John Breckenridge** noted that standard language should be added for the O & M Manual and reporting of the results for section 3.2.
 - **Christina Brown** felt that 3.3 should not be a standard condition it should be a case by case basis.
- 4. Archaeological Oversight; there was no discussion on archaeological oversight.
- 5. Site Abatement
 - **Adam Turner** noted that section 5 is basically a way to remediate.
 - **Leonard Jason** asked isn’t it the law.
 - **Adam Turner** said it is if something is found.
 - **Christina Brown** asked what triggers the need for a due diligence review.
 - **Leonard Jason** said commercial bank loans would often require it.
 - **Adam Turner** said a lot of the time it has to do with demolition.
- 6. Alterations
 - **Joan Malkin** did not think that section 6 was necessary as it is taken care of in section 7.7.2.
 - **Adam Turner** noted that section 6 can be made consistent with section 7 and a part of Administrative Conditions.
- 7. Administrative Conditions
 - **Josh Goldstein** asked under 7.1 if he had property and he wanted to develop it but then decides to sell it does the new development have to come back to the MVC.
 - **Adam Turner** said it would have to come back to the MVC.

- **Joan Malkin** asked if the language “revoke approval” should be used in section 7.2.
- **Leonard Jason** noted that for a Special Permit there is board approval.
- **Christina Brown** wondered for section 7.4 how you would pin this down and document, it is something to think about for future discussion. She noted that staff has done a great job working with applicants.
 - **Robert Doyle** said the offers need to be in writing.
 - **Adam Turner** said it is in the Written Decision.
 - **Fred Hancock** said if you take a cursory review of the project and the offers are not in the Written Decision you might not look back through the minutes for the information.
 - **Christina Brown** said it should be looked at and Linda Sibley may have important insight to offer regarding this section.
 - **Joan Malkin** said if it was not written it would be hard to know if it was an offer or a discussion.
- **Katherine Newman** said for section 7.2 it does not mention about a project being brought back to the MVC and the need to revisit an issue.
 - **Fred Hancock** said the MVC has a policy about the applicant following their DRI conditions and there is a procedure for it.
 - **Abe Seiman** said doesn’t the applicant have to sign off on the Written Decision to indicate acceptance.
 - **Fred Hancock** said it has been talked about the Building Inspectors being the enforcers.

James Vercruyse noted that the Standard Conditions will be revisited by the Commission incorporating the suggestions and changes noted at tonight’s meeting.

Demolition Standards

Adam Turner said he tried to come up with a simple process for demolition. Concurrence is looking at if the project requires review. The criteria to look at are age, history, design and construction, visibility and town review. The standard is to get a rule of thumb for people who don’t have property that is meaningful, and be able to get them in and out the door and catch those properties that are meaningful. One of the things that people have noted is that the MVC has narratives but have nothing to compare them to so the standards are something to do that. There was a suggestion to look at the last five demolitions and compare them to the standards to see how the standards apply.

There was a discussion about the standards.

- **Leonard Jason** questioned if the MVC wants to get involved in alteration.
- **Adam Turner** asked what an alteration is defined as.
- **Fred Hancock** said it is a Checklist discussion and this is talking about a procedure that will be applicable to the Checklist.
- **James Vercruyse** noted that the exercise is to frame the discussion for the standards.

- **Trip Barnes** said he has torn down a lot of buildings. When the Stretch Code came into place it involved more. There should be somebody at the MVC with expertise to assist. It could be talked about for a long time. A lot of stuff should be recycled and it isn't.
- **Katherine Newman** said the standards gives people a lot of ways to think about demolition. She likes having a rating system.
- **Adam Turner** said the memorandum is presenting standards for projects that once they are at the MVC there will be a way to move through them. Alteration is in the Checklist and it should come out of the Checklist.
- **Joan Malkin** said alteration should not be lumped in with demolition. They are different.
- **Bill Veno** gave an example; people will often keep a wall up and get rid of everything else and it isn't demolition. It is for buildings not in historic districts.
- **Joan Malkin** said we need some way in this rating system to account for the amount of alteration.
- **Adam Turner** said alteration is a separate category and should perhaps have its own system. The Beach Street house in Edgartown is an example. The indices would help to make a decision.
- **John Breckenridge** said he met with Adam Turner this morning (February 18, 2016) and some changes were made that they had talked about but they are not in the memorandum that was handed out.
- **Adam Turner** said what was handed out was not the revised standard and noted that the sense of purpose should be in the beginning of the standard.
- **John Breckenridge** said the MVC needs the most current version to look over for further review.
- **Adam Turner** said he thought John Breckenridge's changes are good but did not publish them yet for discussion.
- **John Breckenridge** noted that the memorandum that was handed out does not include financial hardship and he would like the most current copy for review.
- **Adam Turner** noted that when he talked with Counsel it was found that it is a tricky issue and he will raise it for discussion. Tonight, he handed out the same document that was given out on February 4, 2016.

James Vercruyse, Chairman noted that Commissioners came to a consensus that looking at actual demolitions that were before the MVC and comparing them to the standards to see how the standards apply would be a good exercise.

Nitrogen Mitigation Project Workshop

Adam Turner said the MVC is planning to have a workshop in March or April on nitrogen mitigation projects and it will be a Commission sponsored program. Various groups will be invited to attend. The workshop is to inform the Island and the island commissions on what is out there and what is the technology.

There was a discussion about where and when the workshop would be held.

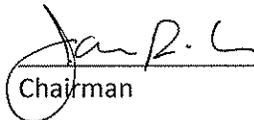
- **Katherine Newman** asked when and where it would be held.
- **Adam Turner** said that is still to be determined. The Commission wants to be known as a place that pushes the envelope. As an example Koehler has new technologies and those could be presented.

- **Adam Turner** said his staff report has generally been reviewed. He added some recommendations at the end of the report and asked what is the normal process for the draft.
- **John Breckenridge** said the draft goes to the DRI Checklist Review Committee first.
- **Christina Brown** added that if a Commissioner is not on the committee they could also ask for the draft to review.

The meeting was adjourned at 9:15 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

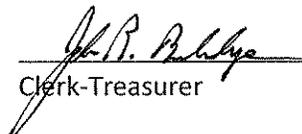
- Martha's Vineyard Commission DRI # 391-M3 M.V.R. & R.R.D. Expansion MVC staff Report – 2016-02-18
- Letter to the Martha's Vineyard Commission from Environmental Partners, Re: MVRRD Facility Upgrades Program – Martha's Vineyard Commission – DRI Permitting Supplemental Information DRI #391-M3, Dated February 16, 2016
- MVRDRRD Central Facility Proposed Improvements Site Plan
- Email from Paul Hannigan to the Paul Foley, Staff and MV Commission Members, Subject: DRI 391 Refuse District Expansion, Dated February 4, 2016
- Memorandum to Commissioners from Adam Turner, Re: Standard Conditions, Dated February 4, 2016
- Memorandum to Commissioners from Adam Turner, Demolition Standard Conditions



 Chairman

5.5.16

 Date



 Clerk-Treasurer

5-5-16

 Date

