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## Minutes of the Commission Meeting Held on April 28 , 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)	P Katherine Newman (A-Aquinnah)
P Christina Brown (E-Edgartown)	P Doug Sederholm (E-West Tisbury)
- Peter Connell (A-Governor; non-voting)	- Abe Seiman (E-Oak Bluffs)
P Robert Doyle (E-Chilmark)	P Linda Sibley (E-West Tisbury)
- Josh Goldstein (E-Tisbury)	P Ernie Thomas (A-West Tisbury)
- 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), Jo-Ann Taylor (Coastal Planner, DCPC Coordinator).

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

### 1. ARTS MARTHA'S VINEYARD, ART AND CULTURE COLLABORATIVE

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Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, E. Thomas, J. Vercruysse.

**Ann Smith**, Chairman of the Arts Martha's Vineyard Steering Committee invites the Commissioners to come and spend the morning with them on May 2, 2016 as Arts Martha's Vineyard hosts the fifth annual meeting of the Arts Martha's Vineyard Collaborative. The collaborative came out of the MVC's Island Plan. Anita Walker, Executive Director of the Massachusetts Cultural Council will be the host facilitator. Our best practice experts will be coming to help us facilitate and do workshops for innovative planning and to envision the next five years.

**Christine Flynn** said 50 attendees have RSVP and it will be very exciting to see everyone.

### 2. SQUIBNOCKET PARKING LOT-CHILMARK DRI 661 DELIBERATION AND DECISION

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Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, E. Thomas, J. Vercruysse.

**James Vercruysse**, Chairman noted that the projects are linked (Squibnocket parking lot and the Squibnocket Causeway) but the Commission will deliberate and vote on them separately.

#### 2.1 Staff Report

**Adam Turner** said two items have come in since the public hearing closed. The timber railing on the causeway bridge is the same design but it was reduced from 36 inches to 30 inches in height. The

second feature is that there is a landscape plan that was changed. Screenings and plantings have been added.

## **2.2 Land Use Planning Committee (LUPC) Report**

**Linda Sibley** said LUPC unanimously approved the parking lot and LUPC wanted to be sure that the final landscape plan is conditioned.

**James Vercruysse** asked if the screening is on the town parking lot. **Linda Sibley** said it is on the abutting land.

**Christina Brown** asked if LUPC felt that the landscape plan that was proposed is generally acceptable. **Linda Sibley** said they did but LUPC wants to review the final details.

## **2.3 Benefits and Detriments**

### Benefits

- It is appropriate in view of the alternatives and if not essential it is at least appropriate.
- The current parking lot is solid and impervious but the new parking lot will be gravel with the old section remaining pavement. With regards to wastewater it will be more controlled and pervious. The runoff will be controlled in swales.
- The proposal provides for Managed Retreat and is re-establishing the dune.
- The proposed is safer as the current access for Squibnocket Farms is through the parking lot.
- The proposed will now have an easier access for buses and cars and have a turnaround and is now more orderly.
- The parking lot right at the beach is being removed and replaced by a natural environment and there is mitigating landscape.
- From the ocean view the parking lot will not be seen.
- To not have a parking lot right on top of the beach is a plus to character.
- The impact on abutters is an improvement for some.
- The project is fully funded and is not a tax burden.
- It may increase usage of Squibnocket Beach and the beach tags which might ultimately increase revenue to the town.
- The Town is getting an improved beach at no additional cost to the taxpayers.
- The new parking lot will be less maintenance.
- The design of the parking lot will better accommodate traffic.
- The proposed project meets the Town Master Plan and is Managed Retreat.
- Glowing praise was received from the State about the environmental improvements.
- The project conforms to zoning.
- The project conforms to DCPC regulations.

### Detriments

- Some of the parking lot is visible from some of the houses.
- There will be an impact on some of the abutters but there is an opportunity to mitigate with landscape.
- There is concern with the exhaust from the parking lot for the abutters.

### Neutral Points

- Lighting is not applicable.
- It might relieve congestion of other beaches.

**Leonard Jason moved and it was duly seconded to approve the parking lot as presented with the condition that the final landscape based on the sited landscape plan dated March 8, 2016 as updated on March 21, 2016 comes back to LUPC.**

- **Linda Sibley** noted that the landscape plan would come back prior to implementation.
- **John Breckenridge** noted that once construction is done then you would do the final landscape plan.
- **Bill Veno** asked for confirmation that if nothing changes the landscape plan would still come back for final confirmation.
- **Linda Sibley** said yes.

**Roll call vote. In favor: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, E. Thomas, J. Vercruyse. Opposed: none. Abstentions: none. The motion passed.**

### **3. SQUIBNOCKET FARM CAUSEWAY-CHILMARK DRI 338-M2 DELIBERATION AND DECISION**

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Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, E. Thomas, J. Vercruyse.

#### **3.1 Land Use Planning Committee (LUPC) Report**

**Linda Sibley** said LUPC recommended to approve with one abstention with the condition that the final landscape plan come back to LUPC and gave permission to lower the height of the railing to 30 inches and to allow the railing to be higher if deemed necessary for pedestrian safety.

#### **3.2 Vineyard Open Land Foundation**

**Adam Turner** said the Town will gain access to a six acre beach from the Vineyard Open Land Foundation (VOLF). There will have to be an A.N.R. that will go along with that and suggested that be part of the approval so the applicant does not have to come back to the MVC.

There was a discussion about the Vineyard Open Land Foundation and the A.N.R.

- **Linda Sibley** said as a point of order she does not believe the MVC can do that since the Public Hearing has been closed.
- **Doug Sederholm** asked where it is in the record regarding the VOLF.
- **Meg Rehauer** read where it was in the application for the record. Future A.N.R. filing is directly tied to the project.
- **Linda Sibley** said it makes good sense.
- **Leonard Jason** said it could come to the MVC with concurrence.
- **Christina Brown** said for the long term record it might be better to have it noted.
- **Joan Malkin** asked if the MVC can decide this matter tonight and perhaps dispense with it tonight since it is in the application and the record. The Commission should make it clear that it was introduced and requested and the MVC is considering it.
- **Robert Doyle** said the tradeoff is that they will get the land.
- **Joan Malkin** said she would hope that MVC Staff could think this through and come up with language and by the time it comes to the MVC with the Written Decision it will be correct.
- **Linda Sibley** agreed with Joan Malkin.
- **James Vercruyse** said this will also come out with the review of the Benefits and the Detriments.
- **Joan Malkin** said when the MVC approves the project one of the things we are approving is the A.N.R.

### **3.3 Benefits and Detriments**

#### **Benefits**

- The project increases access for public safety and first responders.
- With regards to wastewater and storm water the proposed swales and pitch manages runoff more successfully than the current.
- The causeway will be opened up as well as the area around it and the beach but it will have a minimal impact on the wetland due to the chosen location, elevation of the causeway and the shading impact.
- The Town is not maintaining the causeway.
- The proposed causeway will secure access for residents and provide reliable access and will help the people that use it.
- The impact on abutters is positive for those using the causeway providing them with reliable access.
- This is a subdivision that was approved some time ago with an access road. It is a moral obligation to provide access.
- The proposed project reduces the burden on taxpayers and provides a huge safety factor.
- Ensures access consistent with the Town mandate.
- It is a program of Managed Retreat.

#### **Detriments**

- Noise on the causeway potentially could be problematic and the headlights maybe shining on abutters houses.
- The proposed may have a negative impact on those that have to see it.
- The public was concerned about the height of the causeway and the height might not matter as much. Currently the access road is natural and the proposed will be a manmade structure. It was also noted that if it was lowered it would increase the steepness of decline and visually that would not be pleasing. It would also have to be reengineered and would be bulkier.
- The proposed causeway will have an impact on those that don't use it for access.
- It will efficiently use the parking lot but will unduly burden a public facility.

#### **Neutral Points**

- In view of the alternatives for some people at the public hearing the project could be approved as proposed and for others a soft solution would be a better alternative.
- There is no impact with regards to energy and green building but overall if the bridge lasts a long time it will save money.
- With regards to Character and Identity a causeway is in keeping as currently there is an access road.
- It conforms to zoning and DCPC regulations.
- Impact on traffic and transportation is neutral.

### **3.4 Commissioners' Discussion**

**Katherine Newman** noted that given there is a development and they need to have access the proposed project is probably the best solution but we need to think about the environment for future developments. There is a balance and this project did well for the Town.

**John Breckenridge** said his main concern is that coastal systems are not necessarily predictable. A revetment will be maintained on Money Hill and scouring will be seen. The bottom line is the MVC is going to make a decision tonight and we don't know how long it will last and we have to be comfortable

to vote even though he doesn't like the engineered solutions. We have a solution with the least impact. It is a dilemma we will be facing.

There was a discussion about signage.

- **James Vercruysse** said it would be a benefit to talk about signage and the MVC should ask the applicants to appropriately sign the access. It is important to consider this.
- **Joan Malkin** said should the signage be direction signage or signage such as "Do Not Walk on the Dune".
- **James Vercruysse** said the whole package regarding signage should be discussed.
- **Leonard Jason** asked if the applicant is going to have a gateway to access the subdivision.
- **John Breckenridge** said some of the concern was pedestrian traffic on the bridge.
- **Joan Malkin** felt that the Conservation Commission will take action to sign and protect the wetlands.
- **Katherine Newman** asked if this will go before the Planning Board.
- **Joan Malkin** said it would not.
- **Linda Sibley** said now you will have a causeway and someone decides to go out on it, will someone who reaches the gate be able to easily turn around.
- **Adam Turner** said comments were made to let everything work its way out.
- **Joan Malkin** said perhaps someone could turn around at the Kayak Launch.
- **Trip Barnes** felt the signage will take care of that once it is in place.
- **Christina Brown** said signage is important in general but she does not think the MVC needs to impose it as it is not a regional issue.
- **James Vercruysse** said if there are issues it will be solved and the Town will take care of the parking lot.

There was a discussion about possible conditions.

- **Linda Sibley** suggested the Commission make a list of conditions for the MVC staff to look into and one of those is landscaping.
- **Doug Sederholm** said another is the railing.
  - **Leonard Jason** said he did not think the applicant could have a 30 inch height for the rail.
  - **James Vercruysse** said the rail needs to meet code.
  - **Joan Malkin** said the proposal that came before the MVC was for 30 inches and if required by code to have a higher railing the applicant can conform up to code requirements and not need to return to the MVC.

***Linda Sibley moved and it was duly seconded to approve the project as presented with conditions for the landscape plan and the height of the railing to conform to code and the MVC staff can word the language and the applicant does not have to come back to the MVC for the A.N.R.***

- **Linda Sibley** noted that when the MVC approves the Written Decision the MVC will also be approving the language.

***Roll call vote. In favor: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, E. Thomas, J Vercruysse. Opposed: none. Abstentions: none. The motion passed.***

**James Vercruysse**, Chairman noted that this was an interesting project and very well worked on by the Town and that made the MVC's job easier.

#### **4. NEW BUSINESS**

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*Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, E. Thomas, J. Vercruysse.*

#### **4.1 Executive Director Report**

**Adam Turner** presented the following.

- He has been working with the All Island Planning Boards on affordable housing. An agreement has been found with the State to provide money to all of the towns and to do an Island wide plan. Each of the towns is given money to do their own planning and facilitation and also an Island wide plan. We will be working in the next couple of weeks to get a consultant on board.
- The nitrogen pollution workshop is filling up quickly. There will be seven or eight alternative wastewater systems presented including the innovative Koehler toilet. The program will focus on going from house to community to region.
- The permeable reactor grant has been submitted and we will know in a couple of weeks.
  - **James Vercruysse** said the proposal was very comprehensive.

#### **4.2 Scheduling**

**Linda Sibley** said that on the long term schedule it indicates that the bowling alley is tentative and asked if that will happen. She doesn't think the MVC had a proper LUPC pre public hearing. LUPC had a quick discussion on the concurrence process. LUPC discussed if the changes needed a hearing and recommended that they did as they were significant enough to require a public hearing. It is really soon for the Commission to be hearing them and we have asked for materials.

There was a discussion if the Commission is ready to review the modification for the bowling alley.

- **Adam Turner** said he will check to see if the applicant is ready.
- **John Breckenridge** said a LUPC pre public hearing will need to be scheduled.
- **Adam Turner** said when the applicant pulled it back it was not specific what they were changing.
- **Linda Sibley** asked if the MVC needed to make a motion to not hold the public hearing.
- **Joan Malkin** said that Adam Turner will work it out and take appropriate action.

#### **4.3 Discussion**

There was a discussion about the tree cutting on Sate Road and Edgartown West Tisbury Road.

- **Leonard Jason** noted that many of the trees on State Road in West Tisbury as well as on Edgartown West Tisbury Road have been marked with red dots and are they being cut down.
- **Doug Sederholm** said they have been cutting them.
- **Katherine Newman** noted that the stumps are painted red.
- **Leonard Jason** asked if the Commission can find out why all of this is taking place.
- **Adam Turner** said he called DOT and he has not received a response.
- **Bill Veno** thought perhaps the trees are diseased as not all of the ones that have been cut down are close to the road.
- **Adam Turner** said it is DOT that is doing the cutting.
- **Doug Sederholm** said he would like to know the criteria for doing it.
- **Joan Malkin** noted that in Chilmark it is an orange mess. Didn't the MVC ask the State to give us notice and haven't we been through this before.
- **Linda Sibley** said she thought it should be a call to MassDOT and Dan Wolf.
- **Leonard Jason** said he thought it would be simpler if they met with the respective towns to make a decision about what was to be done and Dan Wolf didn't want to hear about it.

#### **4.4 Reports from Committees**

**Joan Malkin** said the Committee for Demolition Guidelines will meet on May 10, 2016 at 5:00 p.m. at the West Tisbury Library.

**Doug Sederholm** said the DRI Checklist Committee meeting is on May 2, 2016.

## 5. MINUTES

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*Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, E. Thomas, J. Vercruysse.*

**John Breckenridge moved and it was duly seconded to approve the minutes of January 7, 2016 with the correction as noted by Doug Sederholm on line 330 to correct the spelling of the word "purview". Voice vote. In favor: 11. Opposed: 0. Abstentions: 1. The motion passed.**

**John Breckenridge moved and it was duly seconded to approve the minutes of February 18, 2016 as written. Voice vote. In favor: 9. Opposed: 0. Abstentions: 3. The motion passed.**

**Linda Sibley moved and it was duly seconded to approve the minutes of March 7, 2016 with the corrections as noted; Christina Brown said the year on line 38 should be 2016 and Doug Sederholm corrected the language on line 72 "... and the regulations may impact..." and the language on line 312 "asked if the wastewater usage exceeds the limit would the applicant then install denitrification". Voice vote. In favor: 10. Opposed: 0. Abstentions: 2. The motion passed.**

**Ernie Thomas moved and it was duly seconded to approve the minutes of March 24, 2016 with the corrections as noted by Doug Sederholm on line 561 to delete the word "now" and on line 571 to revise the language to "soft solution". Voice vote. In favor: 12. Opposed: 0. Abstentions: 0. The motion passed.**

## 6. CHAPPY WIRELESS ANTENNA-EDGARTOWN DRI 662 WRITTEN DECISION

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*Doug Sederholm excused himself from the meeting.*

*Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, L. Jason, J. Joyce, J. Malkin, K. Newman, L. Sibley, E. Thomas, J. Vercruysse.*

**Bill Venio** asked if the year should be stated on line 31. **Christina Brown** did not think it was necessary.

**Leonard Jason** noted that the last names for Bob and Ellen need to be added to line 78.

**Robert Doyle** asked if the Commission will be notified when the building permit is issued and how does the MVC keep track of the time line. **Adam Turner** said that is covered on line 252.

**Joan Malkin** and **Katherine Newman** said they need to be deleted from line 230 as they were not in attendance.

There was a discussion about Section 5. Conditions.

- **Christina Brown** suggested removing the word tower as the MVC is approving the existence and the use.
- **Bill Venio** said if the tower is removed they can't transmit.
- **Christina Brown** said it doesn't say they have to remove it.
- **Joan Malkin** noted that decommissioning is not necessarily removal.
- **Christina Brown** suggested revising the language to " The approval of this temporary wireless communication facility ...".

**Christina Brown moved and it was duly seconded to revise the language as noted.**

- **Bill Venio** said perhaps it should be tied to the approval and not the building permit.



- Leonard Jason said language should be added to include "its use".


*Christina Brown amended her motion and it was duly seconded to revise the language to 5. Conditions 1.1 line 251 to " The approval of this temporary wireless communication facility and its use...". Voice vote. In favor: 9. Opposed: 0. Abstentions: 2. The motion passed.*

*Ernie Thomas moved and it was duly seconded to approve the Written Decision DRI 662 Chappy Temporary Wireless Tower as clarified. Roll call vote. In favor: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, L. Jason, L. Sibley, E. Thomas, J. Vercruyse. Opposed: none. Abstentions: J. Joyce, J. Malkin, K. Newman. The motion passed.*

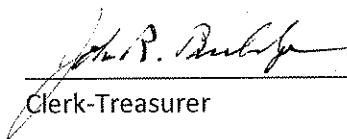
The meeting was adjourned at 8:40 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, Held on January 7, 2016
- Minutes of the Commission Meeting – Draft, Held on February 18, 2016
- Minutes of the Commission Meeting – Draft, Held on March 17, 2016
- Minutes of the Commission Meeting – Draft, Held on March 24, 2017
- Martha's Vineyard Commission Land Use Planning Committee Notes of the Meeting of April 11, 2016
- Draft Decision of the Martha's Vineyard Commission DRI 662 – Chappy Temporary Wireless Tower

  
Chairman

8-18-16  
Date

  
Clerk-Treasurer

8/24/16  
Date