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## Minutes of the Commission Meeting Held on June 16, 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)

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|--|-----------------------------------|
| - Tripp Barnes (E-Tisbury)               | - James Joyce (A-Edgartown)       |
| - Yvonne Boyle (A-Governor)              | - Joan Malkin (A-Chilmark)        |
| P John Breckenridge (A-Oak Bluffs)       | - Katherine Newman (A-Aquinnah)   |
| P Christina Brown (E-Edgartown)          | - Ned Orleans (A-Tisbury)         |
| - Peter Connell (A-Governor; non-voting) | P Doug Sederholm (E-West Tisbury) |
| P Robert Doyle (E-Chilmark)              | P Abe Seiman (E-Oak Bluffs)       |
| - 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)               | - James Vercruysse (E-Aquinnah)   |

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

**Acting Chairman Robert Doyle** called the meeting to order at 7:23 p.m.

### 1. M.V. SHARKS BATHROOM-OAL BLUFFS DRI 352-M3 CONCURRENCE REVIEW

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Commissioners Present: J. Breckenridge, C. Brown, R. Doyle, F. Hancock, L. Jason, D. Sederholm, A. Seiman, L. Sibley, E. Thomas.

For the Applicant: John Roberts

#### 1.1 Staff Report

**Paul Foley** presented the following.

- The applicant is John Roberts of the M.V. Sharks.
- The proposal is for a 28' by 10' building with his and hers bathrooms in the woods near the M.V. Sharks Baseball field.
- The M.V. Regional High School was first reviewed by the MVC as a DRI in 1979 for a 21,600 sf addition for 600 pupils and which was approved as DRI 109.
- The High School returned to the MVC as DRI 352 in 1992 with an 81,000 sf addition that was approved with conditions.
- In 1995 the applicants returned for a modification review, DRI 352-M, for the addition of the track with associated track and field events area, a fence with no bleachers or lighting at the track. They did ask for lighting at the football field.
- In 2006-2007 the M.V. Sharks built a new baseball field which should have been referred for modification review.

- In 2013 the M.V. Sharks added lighting to their baseball field, DRI 352-M2, and were referred to the MVC. The MVC voted to not accept the referral as the lights were already installed.
- The ladies room would have two stalls and the men’s would have one stall and one urinal.
- The bathrooms are proposed in an area that is woods that is designated by NHESP as Priority Habitat of Rare Species.
- This project is not part of the major overhaul of the ball fields which include artificial turf and new stands and lighting as discussed in the newspapers.
- A concrete pad for a food truck has been installed in the same clearing in which the bathrooms are proposed.
- The site plan was reviewed.
- The floor plans and elevations were reviewed.
- Key issues include;
  - The proposal is in NHESP habitat.
  - Is this the best location for the proposed facilities? Handicapped accessibility would be difficult in the proposed location.
  - Should the MVC wait until the project has been reviewed or at least filed with NHESP before making a decision or modification?
  - Should the MVC allow several different projects being proposed at the athletic fields to be reviewed separately or should the MVC require the High School to submit comprehensive plans for all the various projects being proposed?
- The applicants are adding solar panels to the roof of the bathrooms.
- The site is in the Sengekontacket Watershed. The status of the watershed is impaired.
- The site is in the Zone 2 Area of Contribution. The proposal will be connected to the Oak Bluffs Wastewater facility.

### **1.2 Applicants’ Presentation**

**John Roberts** presented the following.

- The organization that built the field ten years ago is Vineyard Baseball Inc., which is a non-profit that was formed and the field was built with private funds.
- All improvements are done with private funds and not by the school or tax payer funds.
- The organization looks to see what needs to be done to have the field around for many years. As an example the cost of astro turf was \$400,000 so the organization decided to re-sod.
- The food truck is on loan as our concession stand is late in arrival and after our use it can be loaned to the football field for their use.
- The organization has tried to put a lot into the field for the community.
- There is a need for bathrooms and there are none on the athletic fields.
  - **Adam Turner** noted that currently the need is met with porta-potties.
- The bathrooms will be ADA/handicap accessible.
- The project will not cost the school anything. The organization will build and maintain them.
- We have received approval from the Wastewater Commission.
- Where the bathrooms will be located will fit in with the school’s plans.

### **1.3 Land Use Planning Committee Report**

**Fred Hancock**, LUPC Chairman said LUPC met on June 6, 2016 and voted to recommend to the full Commission that the proposal did not require a public hearing.

## 1.4 Commissioners' Questions

**Fred Hancock** asked when the Sharks are not in season if the school will take care of cleaning the bathrooms for school events. **John Roberts** said yes and stated that the bathrooms will be timed locked and if something breaks the organization will take care of the bathrooms. It becomes school property if the Sharks go away.

**John Breckenridge** noted that the applicant had received their approval from the Wastewater Commission. **John Roberts** noted that they received a unanimous vote.

**Doug Sederholm moved and it was duly seconded that the proposal does not rise to the level requiring a public hearing as it does not have regional impact. Voice vote. In favor: 9. Opposed: 0. Abstentions: 0. 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, R. Doyle, F. Hancock, L. Jason, D. Sederholm, A. Seiman, L. Sibley. Opposed: none. Abstentions: E. Thomas. The motion passed.**

**Linda Sibley** said it is worth noting that when the MVC finds itself sending something back it is also worth thanking the Oak Bluffs Building Inspector for sending it to the MVC.

**Christina Brown** noted that not only did the Building Inspector refer it back to the MVC but he looked at it thoroughly.

## 2. LAGOON RIDGE FORM C-OAK BLUFFS DRI 464-M2 WRITTEN DECISION

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*Commissioners Present: J. Breckenridge, C. Brown, R. Doyle, F. Hancock, L. Jason, D. Sederholm, A. Seiman, L. Sibley, E. Thomas.*

**Christina Brown** suggested revising the language on line 129 and 130 to ...“(one for a single family dwelling and one for a duplex)...”.

**Doug Sederholm** suggested deleting MVC on line 176 and the language to read “to meet the nitrogen...”.

**Doug Sederholm** suggested revising the language on line 193 to “... from some houses on abutting properties.”.

**Doug Sederholm** noted typos on lines 271 and 273, condition should be conditions and Towns attorney’s should be Town’s attorneys.

There was a discussion about section 2 Phasing and Construction.

- **Doug Sederholm** noted that for section 2.3 it says the applicant is submitting the phasing plan but does it need approval?
- **Leonard Jason** said the MVC should get approval.
- **Fred Hancock** said he is not sure if the Oak Bluffs plan will have phasing.
- **Doug Sederholm** noted that if the applicant is having a phasing plan it should meet MVC approval and if the Town is doing it then would the Town approve?
- **Christina Brown** suggested language “submitted to LUPC for review and approval”.
- **Fred Hancock** said the Commission should be looking to be sure the applicant doesn’t just build the market units and not the affordable housing units.
- **Linda Sibley** agreed with Christina’s Brown suggestion to revise the language.
- **Doug Sederholm** reiterated the revised language for line 287 “... the MVC Land Use Planning Committee for review and approval prior...”.

**Doug Sederholm** questioned if there was a typo on line 341. Shouldn't the nitrogen loading limit be 110.4 kg N/year? **Sheri Caseau** confirmed that the word acre should be deleted.

There was a discussion about Section 7.7.4.

- **Doug Sederholm** asked what we are doing about section 7.4.
- **Bill Veno** said in the applicant's narrative he said he would only have three bedrooms for those four lots.
- **Doug Sederholm** said perhaps section 7.4 should say as offered by the applicant the units in Cluster B would be three bedroom units.
- **Christina Brown** said the applicant's signed final offer was one bedroom per 15,000 sf.
- **Bill Veno** agreed with Christina Brown.
- **Doug Sederholm** asked if these units are connected to the amphidrome system.
- **Bill Veno** said they are.
- **Doug Sederholm** noted then the language can remain as written.

**Doug Sederholm** suggested revising the language on line 372 to "The applicant shall provide a surety bond issued by an insurer qualified to do business in Massachusetts to cover the expense...".

There was a discussion about Section 8.2.

- **Doug Sederholm** noted the number of units on line 394 should be 25.
- **Adam Turner** agreed the number of units is 25.
- **Fred Hancock** thought the language should say 25 unit subdivision.
- **Christina Brown** said it should match the language on page 1 " 23 lots and up to 25 dwelling units".

There was a discussion about section 8.2.2.

- **Christina Brown** asked what is the definition of "work" and does that matter?
- **Paul Foley** said on page 11 it was split up as to when the different conditions have to come back. Section 8.2.2 requires a Building Permit.
- **Adam Turner** asked what the definition of work is.
- **Paul Foley** said on page 11 under Building Permit that language can be added to this section.
- **Christina Brown** noted that it needs a permit for NHESP but not from ConCom.
- **Leonard Jason** asked who enforces that.
- **Christina Brown** replied NHESP.
- **Leonard Jason** said there is a plan that ConCom holds and Boston has to approve and what happens in that area. Do they send you a letter or what?

**Christina Brown** noted there is a typo on line 440 "The Convents" should be "The Covenants".

**Doug Sederholm moved and it was duly seconded to approve the Written Decision with the corrections as noted. Roll call vote. In favor: J. Breckenridge, C. Brown, R. Doyle, F. Hancock, L. Jason, S. Sederholm, A. Seiman, L. Sibley, E. Thomas. Opposed: none. Abstentions: none. The motion passed.**

### **3. OAK BLUFFS BOWLING ALLEY CONDITIONS-MODIFICATION DRI 626-M2 WRITTEN DECISION**

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*Commissioners Present: J. Breckenridge, C. Brown, R. Doyle, F. Hancock, L. Jason, D. Sederholm, A. Seiman, L. Sibley, E. Thomas.*

**Fred Hancock** noted the word "March" should be deleted on line 35.

**Christina Brown** noted that it was good that Paul Foley noted in the Condition Changes (as did the MVC Minutes) the names and the dates of the letters received by the MVC.

There was a discussion about section 5 Modified Conditions.

- **John Breckenridge** said with regards to line 187 he had some give and take with Staff on what is the process. The trial would be until January 3, 2017 and then have another public hearing for a final decision by the MVC. He suggested adding language "...basis to January 31, 2017. The applicant may reapply after January 3, 2017 for a permanent modification to the original condition".
- **Fred Hancock** said the MVC was trying not to carry this over from December 2016 to January 2017 since there will be an election for new Commissioners. We were trying to avoid carryover.
- **Christina Brown** said we are conditioning ourselves on line 190-191.
- **John Breckenridge** said in fairness to a business they can reapply and staff can get the data and information.
- **Fred Hancock** said if we didn't think we would meet the deadline at the time we could give the applicant a temporary extension.

**Ernie Thomas** noted that line 225 says trios only.

There was a discussion about section 6.3.

- **John Breckenridge** suggested revising the language on line 278 to be consistent with line 187. Change the word "shall" to "may". Also to change "re-apply" to "apply".
- **Fred Hancock** noted that the section says that we have to have a public hearing and asked if that is correct.
- **Christina Brown** and **Linda Sibley** noted it was said at the public hearing that would happen.
- **Bill Veno** asked if the section needs to talk about how to address or reapply since it is covered elsewhere. Does it have to do with length and validity of the decision.
- **Fred Hancock** said it does as lighting is different.
- **Adam Turner** agreed.

***Fred Hancock moved and it was duly seconded to approve the changes and conditions as modified. Roll call vote. In favor: J. Breckenridge, C. Brown, R. Doyle, F. Hancock, L. Jason, A. Seiman, E. Thomas. Opposed: none. Abstentions: none. The motion passed.***

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

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*Commissioners Present: J. Breckenridge, C. Brown, R. Doyle, F. Hancock, L. Jason, D. Sederholm, A. Seiman, L. Sibley, E. Thomas.*

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

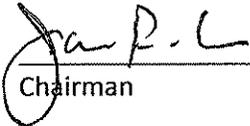
**Adam Turner** presented the following.

- As a follow-up to our clean water conference that was well received and attended the Cape is doing a similar one on Thursday and Friday at the conference center in Hyannis. Sheri Caseau and I will be attending.
- He has been talking with Angie Grant of the VTA and she will give a Vineyard Transit presentation at the next MVC meeting.
- He will be out from June 28 to July 15, 2016.
- The DRI Checklist Review meeting will be on July 21, 2016. All of the materials are on the MVC website.

The meeting was adjourned at 8:25 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Martha's Vineyard Commission DRI # 352-M3 MV Sharks Baseball Bathrooms MVC Staff Report 2016-06-15 Modification Review
- Letter from Oak Bluffs Department of Building & Zoning, Dated May 18, 2016, from Mark Barbadoro, Building Inspector, Re: Bathrooms on school baseball field at the Martha's Vineyard High School
- Plan of Proposed Bathrooms, Martha's Vineyard Regional High School, Dated March 29, 2016
- Elevations and Site Plan of Proposed Bathrooms, Martha's Vineyard Regional High School Baseball Field
- Draft Decision of the Martha's Vineyard Commission, DRI 464-M3 – Lagoon Ridge Form C Subdivision
- Draft Decision of the Martha's Vineyard Commission DRI 645-M2 – Oak Bluffs Bowling Alley Conditions Changes

  
Chairman

10-6-16  
Date

  
Clerk-Treasurer

10/13/16  
Date