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Minutes of the Commission Meeting Held on August 4, 2016 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

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

P Tripp Barnes (E-Tisbury)	- James Joyce (A-Edgartown)
- Yvonne Boyle (A-Governor)	P Joan Malkin (A-Chilmark)
- 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)	P James Vercruysse (E-Aquinnah)

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

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

1. ISLAND WIDE FOOD WASTE FEASIBILITY STUDY – PRESENTATION BY MVC INTERN

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

Adam Turner introduced Jessica Wey who is a summer intern at the MVC. She is a student at Worcester Poly Tech Institute and has been working on composting and food waste.

1.1 Composting and Food Waste Presentation

Jessica Wey presented the following.

- The Island Wide Organic Feasibility Study is sponsored by the Vision Fellowship. Its goal is to develop a plan for an all island composting system. Sophia Abrams is the Project Manager.
- A pilot project has been started with restaurants to donate food waste and create sustainability.
- Research technologies are being developed to process compost.
- The study regards quantifying food waste by the Island institutions such as the restaurants, school, camps, markets and catering services.
- To quantify restaurant generation various factors were used such as the turnover rates, hours open in a day and the number of seats that we received from the Board of Health.
- Market rates were quantified using 3,000 lbs./employee/yr. We are still in the process of quantifying other institutions.
- There are seasonal differences and the off season is from October to April. For the off season the total waste generation was assumed to be 50%.

- The following numbers were used in the study; 125 restaurants, 14 food markets, 12 camps and 5 main catering services.
- The estimated total of food waste is 5,000 tons/yr.
- Restaurants on the Island average 20-30 tons/yr, higher volumes are as high as 50 tons/yr and some are as high as 107 tons/yr.
- A chart of the findings was reviewed.
- To research the technologies to compost large amounts of food waste the following factors are considered; size, cost, energy and consumption.
- Case studies were evaluated from around the U.S. including the Nantucket model that has been very successful. Useful information was obtained from Nantucket on their model of how to capture food waste.
- The next steps include;
 - A list of the areas that still need work.
 - Possible areas with flaws.
 - A feasibility report to summarize the entire project.
 - A council to decide the technologies and the location.

1.2 Commissioners' Questions

James Vercruyse asked if Jessica had visited Nantucket's project. **Jessica Wey** said she had not but the study group visited Nantucket in May and she had visited sites on the Cape.

Trip Barnes wondered if everyone was cooperative in giving Jessica information. **Jessica Wey** said everyone was very busy and the restaurants were reluctant. She has had mixed reactions, some were nice and some less. The Board of Health was very helpful with seat numbers and turnover rates.

Doug Sederholm said you used a factor cutting the numbers in half for off season and is that factual. **Jessica Wey** said other assistants in the study used other off season research areas and she used the same factors as well as other seasonal locations. She did not use restaurants if they were closed for a particular period.

2. MORNING GLORY FARM HOUSING AND SOLAR-EDGARTOWN DRI 620 MODIFICATION REVIEW

Ernie Thomas recused himself.

Commissioners Present: T. Barnes, C. Brown, R. Doyle, F. Hancock, L. Jason, J. Malkin, D. Sederholm, A. Seiman, L. Sibley, J. Vercruyse.

For the Applicant: James Athearn, Simon Athearn

2.1 Staff Report

Paul Foley presented the following.

- The applicants are Simon Athearn and James Athearn.
- The staff report also includes an applicant narrative and the plans.
- The proposal is a three part modification; to meet Condition 8.1 of the DRI 620 Decision with a new workforce housing bunkhouse with 10-12 beds, to add a covered exterior stairway to the back of the main farm stand building and the third part is to install approximately 1,000 sf of solar panels (total) on the roofs of the vegetable barn and the tractor shed.
- A third part of the original proposal to install a ground mounted solar array occupying an area approximately 6,000 sf on a part of the blueberry area was not accepted by the Land Bank (owners of an Agricultural Preservation Restriction on the property) and has been withdrawn.

- With Conditions 8.1 the applicant has the option of building the workforce housing or paying \$1,695 plus interest as mitigation. Condition 8.1 says: “As offered by the Applicant, the Applicant shall provide 4 dormitory rooms for employee housing (not including the 6 dormitory rooms that currently house 11 employees) by converting the portion of the farm that will be moved from its existing site.”
- The site photos were reviewed as well as the floor plans and elevations.
- The two sections of the original farm stand that were retained will become an old tractor shed.
- LUPC voted to recommend to the full Commission that this is an insignificant change to the DRI that does not require a public hearing review and to approve the minor modification.
- The applicant proposes to meet the nitrogen requirement by installing Clivus composting toilets for the workforce housing. Grey water would be handled through a Title V septic system.
- The applicant offers the following mitigation; reduce cropland by .1 acres (4,000sf).

2.3 Commissioners’ Questions

Joan Malkin asked which building will have the solar panels. **Paul Foley** said the vegetable barn and the tractor shed.

There was a discussion about the solar panels.

- **Leonard Jason** asked what happens to the electricity that the solar panels generate.
- **Paul Foley** said the windmill that is on site generates 76% of the need and the applicant’s goal is 100%.
- **Simon Athearn** said the solar panels will piggy back onto the wind and make it more efficient. He showed the location of the solar panels on the site plan.
- **James Athearn** said the Land Bank is refusing to allow solar on the land and they said they hoped that we would utilize it on the roof.
- **Abe Seiman** asked if the applicant is generating more energy than they need.
- **Simon Athearn** said they are not. Currently the windmill is in the mid 70% range and it is one of our goals that it will not be excessive.
- **James Athearn** said that Bill Bennett explained to us that if we changed the meters it would be more useful to us. We would use our energy first and then put the surplus into the grid and if needed then use that.

Simon Athearn said we were waiting on this condition and we are ready to comply with the housing condition. The staircase is a minor thing but will give us more room to wash vegetables and will be useful to us. We will shingle the exterior wall.

There was a discussion about the wastewater.

- **Doug Sederholm** asked Sheri Caseau to explain the wastewater that will be generated.
- **Sheri Caseau** said the estimated nitrogen load increase from this proposed plan is 2.18 kg/yr, the applicant will receive a .5 kg/yr credit from prior nitrogen reduction. In order to reach the no net increase in nitrogen load for the current proposal the MGF has to offset at least 1.68 kg/yr.
- **Doug Sederholm** said the applicant is reaching the numbers by taking so much acreage out of the calculation and using Clivus.
- **Sheri Caseau** confirmed and said the applicant plans to remove .4 acres of blueberries now and only replant .3 acres. The project may also be eligible for 50% affordable housing increase.

Fred Hancock moved and it was duly seconded that the modification is not significant to require a public hearing as the housing is a condition of the applicants original approval, the solar arrays on the roof is an excellent idea and the staircase is a minor modification. Voice vote. In favor: 10. Opposed: 0. Abstentions: 0. The motion passed.

Fred Hancock moved and it was duly seconded to approve the modifications.

- **Leonard Jason** asked to review the floor plan.
- **Paul Foley** showed the floor plan and noted the egress; staircase and deck.
- **Leonard Jason** questioned the two means of egress.
- **Doug Sederholm** felt the MVC could rely on the Building Inspector to handle the egress conditions.

Fred Hancock amended his motion and it was duly seconded to approve the modifications to include the deck and staircase as a second means of egress to satisfy that requirement. Roll call vote. In favor: T. Barnes, C. Brown, R. Doyle, F. Hancock, L. Jason, J. Malkin, D. Sederholm, A. Seiman, L. Sibley, J. Vercruyse. Opposed: none. Abstentions: none. The motion passed.

Ernie Thomas rejoined the meeting.

3. DRI CHECKLIST REVIEW-STANDARDS AND CRITERIA-CONTINUED PUBLIC HEARING

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

Fred Hancock, Public Hearing Officer opened the public hearing and noted that the Checklist Committee met after the first public hearing and the result is that the Committee recommends for the continued Public Hearing that the language for section 3.1h) be revised to “Parking areas that have spaces for ten or more vehicles, excluding parking lots which are incidental to another on-site existing permitted use;”.

3.1 Commissioners’ Discussion

Leonard Jason asked if 6,000 sf was removed for section 3. **Fred Hancock** said that would be reviewed during deliberation.

Christina Brown also asked for clarification on the 6,000 sf.

There was a discussion about section 8.5.

- **Fred Hancock** also noted that section 8.5 was also reviewed when the Checklist Committee met and during deliberation it can be decided if it is eliminated or revised with the “Note”.
- **Christina Brown** noted that section 8.5 could be eliminated for this year’s round of review.
- **Joan Malkin** clarified that it could be eliminated altogether or another alternative is that the MVC can take the next two years to review and then add it back when it is clear and clarified.
- **Christina Brown** said taking it out altogether will not endanger sensitive areas since the Towns have regulations.

Fred Hancock, Public Hearing Officer noted that there is communication, written testimony, received from Eric Peters.

3.2 Public Testimony

Peter Temple is the Chairman if the Aquinnah Planning Board and speaks in favor of option 1 for critical space section 8.5 and to do further research. As written, section 8.5 is untenable. The rules of the MVC are laws and the Towns either don’t know about it or the MVC is not enforcing the rule. You may not have small development coming to the MVC if this section remains. The rule should be the rule and followed.

Fred Hancock, Public Hearing Officer closed the Public Hearing.

- **Leonard Jason** questioned if it isn’t common to leave the written record open for two weeks.
- **Fred Hancock** said it is for a DRI but not necessarily a legislative issue.

Fred Hancock reiterated that the Public Hearing has been closed.

3.3 Deliberation and Decision

There was a discussion about Section 8.5 Critical Open Space.

- **James Vercruysse** said Critical Open Space seems to be an issue that has repeatedly been brought up. Maps have been included. There were two strong points of view. It is not working the way all of the other MVC checklist items are working and it is not being enforced so let's eliminate it.
- **Doug Sederholm** questioned how we know it isn't being enforced.
- **James Vercruysse** said when he was driving through Chilmark he noticed that there were approximately ten developments in the Island Road District that were not referred and that happens all over the Island.
- **Leonard Jason** said it doesn't come to the MVC because it is not part of the zone.
- **Doug Sederholm** asked where Critical Open Space came from.
- **Leonard Jason** said from the Island Plan.
- **Linda Sibley** said to say nothing is getting referred to the MVC under this item is vague.
- **James Vercruysse** said Aquinnah has been referring under section 8.5.
- **Linda Sibley** said her objection isn't the technicality but this is hard to define even with a map. She thinks the MVC should take it out and study it further.
- **Doug Sederholm** asked if any of the Commissioners thinks the MVC should keep it in.
- **Christina Brown** said it is not just to take the section out but to take it out for now and look at it over these next years and decide what should be reviewed or find that there are holes that need to be patched.
- **Fred Hancock** said the MVC is concerned about a specific issue and that it is good for a cross town referral. It is to the benefit of the MVC to list it as something that concerns the Commission rather than looking as if it is an adhoc issue. There are critical view sheds to consider.
- **Linda Sibley** agrees about the view sheds but this doesn't say that section 8.5 is not doing this correctly.
- **Joan Malkin** noted there were 17 houses stated from James Vercruysse (**James Vercruysse** corrected her that it was ten) that should have come to the MVC but didn't.
- **James Vercruysse** said it is just not defined what comes to the MVC.
- **Doug Sederholm** questioned if just using the map, if that is enough information to ascertain and determine if it is in Critical Open Space.

Leonard Jason moved and it was duly seconded to remove section 8.5 Critical Open Space from the DRI Checklist and to commit to further study.

- **Robert Doyle** doesn't quite understand the objection to leaving Section 8.5 in the DRI Checklist.
- **Joan Malkin** said the section is overly broad and perhaps because it is so broad the MVC has not really gotten referrals except from Aquinnah. And that is because Peter Temple cautiously follows the DRI Checklist. The five other Towns have a more practical approach.
- **Robert Doyle** asked why not prefer the Aquinnah approach to Critical Open Space.
- **Leonard Jason** said the whole Town is a DCPC.
- **Abe Seiman** would like to have a commitment that it will be studied at the time of the next Checklist Review.
- **Joan Malkin** said we are all accountable.
- **Linda Sibley** said the MVC could ask the Executive Director to remind the Commission before the next Checklist Review.
- **James Vercruysse** said he can permanently put it on the Executive Committee agenda.

Voice vote. In favor: 10. Opposed: 1. Abstentions: 1. The motion passed.

There was a discussion about Section 3.1 Commercial, Storage, Office, Industrial Development.

- **Fred Hancock** noted that in all of section 3.1 the square footage was increased. If we think there is a duplication of the 6,000 sf and the parking area we should review. It doesn't hurt to call out parking lots.
- **Joan Malkin** said "commercial" is taken out of section 3.1h.

Linda Sibley moved and it was duly seconded to add with MVC Concurrence to section 3.1h. Voice vote. In favor: 11. Opposed: 0. Abstentions: 0. The motion passed.

There was a discussion about the "Note" for section 3.1.

- **Christina Brown** noted that the date should be added for the development agreement for section 3.1.
- **Leonard Jason** asked for an example of a parking lot with more than ten spaces without a permitted use.
- **Fred Hancock** said the lot behind the Catholic Diocese house is used to park commercial vehicles. It is sanctioned by the Town. The Town owns the piece of land and it is used for parking.
- **Joan Malkin** noted the lot across from the Mansion House in Tisbury, the old firehouse lot.
- **Trip Barnes** said his piece of land on High Point Lane is limited to six trucks by the Town of Tisbury and he doesn't know why.
- **Joan Malkin** said it could be any parking lot that is more than 6,000 sf.
- **Leonard Jason** suggested changing the 6,000 sf to ten space parking lot.
- **Joan Malkin** said the Review Committee decided that ten spaces was a fixed number.
- **Adam Turner** said it was more regulating impact noting the threshold of ten spaces caused impact.

Linda Sibley moved and it was duly seconded that the MVC adopt the DRI Checklist Version 13, dated August 1, 2016 as amended.

- **Leonard Jason** asked if the MVC can make a decision if deliberation has not been posted to the general public on the agenda.
- **Linda Sibley** said we normally make a decision once the public hearing is closed and there is no more public input.
- **Leonard Jason** would like an explanation for 3.1g, it was never with concurrence.
- **Joan Malkin** gave the following example; there is a restaurant with 45 seats and it was never a DRI. They add 10 seats and now the total is 55 seats so it triggers the DRI Checklist.
- **Linda Sibley** said the change itself isn't a DRI but the intensity of use is now a DRI.
- **Doug Sederholm** is happy to take out "with MVC concurrence".
- **Joan Malkin** and **Fred Hancock** said the language with concurrence is not new.
- **Joan Malkin** thinks it should be with concurrence. Using her example the restaurant goes along with 45 seats but adds the 10 spaces but the restaurant doesn't cause any issue so the MVC decides it is okay to add the 10 spaces.
- **James Vercruyse** said a good example is the change in use of the Tisbury Marketplace on State Road. It is an intensity of use.
- **Linda Sibley** said she thinks the DRI Checklist is improved a good deal. We tried to clarify what the community felt was really ambiguous. People feel this list is getting longer. Having been at the MVC over the years there is a reason why the Checklist has grown as things need to be added. The shorter it is the more likely for referrals to occur.
- **James Vercruyse** noted that the DRI analysis that Adam Turner did was very helpful.
- **Linda Sibley** added that the summary that Adam Turner did of the Town input was also very helpful.

- **Doug Sederholm** said increasing the thresholds for section 3.1 is also extremely helpful to give the Towns more space to deal with things on their own.
- **Abe Seiman** said if our intent is to limit the cumulative total amount of 50 parking spaces then we should state that.
- **Fred Hancock** clarified that 50 was used as an example of people in a restaurant.
- **Joan Malkin** noted that in section 8.1 the definition of demolition does not mention exterior alteration.
- **Doug Sederholm** said we also made the trigger point of January 1, 1990.

Roll call vote. In favor: T. Barnes, C. Brown, R. Doyle, F. Hancock, L. Jason, J. Malkin, D. Sederholm, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.

4. KUEHN'S WAY (BRIDGE) AFFORDABLE HOUSING-TISBURY DRI 560-M3 WRITTEN DECISION

James Vercruysse recused himself.

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

Robert Doyle, Acting Chairman led the review.

4.1 Written Decision

Doug Sederholm noted a typo on line 107.

Doug Sederholm suggested inserting "denitrification effluent" after system on line 192 and to insert "as" after situated on line 196.

Paul Foley noted a typo on line 244.

There was a discussion about the onsite wells versus town water.

- **Leonard Jason** asked about the onsite wells and what if the Board of Appeals gives the applicant the town water.
- **Doug Sederholm** said the MVC did not give the applicant the option. We just accepted what they gave us.
- **Robert Doyle** said why not include it.
- **Leonard Jason** said it is a better option and gives the Town more options.
- **Christina Brown** said with regards of the construction of the wells she questioned the language "any use of Red Coat Hill".
- **Doug Sederholm** suggested revising the language to include "any activity that involves vehicles".
- **Leonard Jason** questioned 4.1 with regards to public water supply versus onsite water supply.
- **Doug Sederholm** said on page 11 under plans it references two pages of written offers and water supply.

Doug Sederholm moved and it was duly seconded to amend the Written Decision to put in flexibility if the Board of Health requires the project to use Town water rather than wells they have the option to do so.

- **Linda Sibley** thought the applicant should come back to the MVC if there is a change.

Fred Hancock moved and it was duly seconded to approve the Written Decision as amended and clarified. Roll call vote. In favor: C. Brown, R. Doyle, F. Hancock, L. Jason, J. Malkin, A. Seiman, E. Thomas, D. Sederholm. Opposed : none. Abstentions: T. Barnes The motion passed.

James Vercruysse rejoined the meeting.

5. KATAMA AIRFIELD HANGER-EDGARTOWN DRI 624 EXTENSION REQUEST

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

Paul Foley presented the following.

- Per Jane Varkonda, Conservation Agent, the approval for the hanger expansion DRI #624 will be expiring in September 2016.
- Nothing has changed since the MVC approved the plans and the permit is subject to the Permit Extension Act. The MVC approved the new hanger and the approval was good for two years.
- The delay in construction is due to the complexity of the revision and amendments to the Conservation Restriction, Management Plan, Self Help Agreement and the Conservation Restriction for the Pennywise Preserve.
- With the issues now resolved they are ready to move forward.
- The project is ready to break ground and the Town will be putting the project out to bid in the near future.

Leonard Jason moved and it was duly seconded to extend the approval for the Katama Airfield Hanger. Voice vote. In favor : 11. Opposed : 0. Abstentions: 0. The motion passed.

6. MINUTES

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

Linda Sibley moved and it was duly seconded to accept the minutes of April 28, 2016 as corrected; Linda Sibley questioned lines 195 and 196 and Joan Malkin suggested revising the language to “a list of conditions for the Commission to consider”, Paul Foley noted a typo on line 33. Voice vote. In favor: 10. Opposed: 0. Abstentions: 1. The motion passed.

Fred Hancock moved and it was duly seconded to accept the minutes of May 5, 2016 as amended; Doug Sederholm corrected the language on line 88 to “ten times the amount allowed for this property as allowed by the MVC policy” and to insert the word “cuts” after thousand on line 89, Joan Malkin noted the typo on line 472 “topology”. Voice vote In favor: 10. Opposed: 0. Abstentions:1.

Fred Hancock moved and it was duly seconded to accept the minutes of May 18, 2016 as written. Voice vote. In favor: 10. Opposed: 0. Abstentions: 1. The motion passed.

Joan Malkin moved and it was duly seconded to accept the minutes of May 19, 2016 as amended; Christina Brown noted to correct the typo on line 612 and 618 to “trial” and Joan Malkin noted the typo on line 672 “Tisbury”, Doug Sederholm said on lines 281-291 the language should be “MVC nitrogen policy, the Mass Estuary Project Analysis”, and on line 286: “has no rational relationship to the goal of bringing Lagoon Pond back to a healthy state. According to the Mass Estuary Project the nitrogen from septic systems feeding into Lagoon Pond needs to be reduced”, line 674-675 insert that Doug Sederholm was absent due to a conflict. Voice vote. In favor: 11. Opposed: 0. Abstentions: 0. The motion passed.

7. EXECUTIVE DIRECTORS REPORT

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

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The meeting was adjourned at 9: 00 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

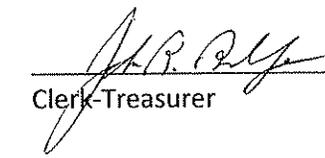
- Minutes of the Commission Meeting – Draft, Held on April 28, 2016
- Minutes of the Commission Meeting – Draft, Held on May 5, 2016
- Minutes of the Commission Meeting – Draft, Held on May 18, 2016
- Minutes of the Commission Meeting – Draft, Held on May 19, 2016
- Martha’s Vineyard Commission DRI # 620-M3 Morning Glory Farm Housing & Solar MVC Staff Report 2016-08-04 Modification Review
- Memo Dated June 29, 2016 from DECA, Inc. RE Proposed work at Morning Glory Farm, which includes the site plans, elevations and floor plans.
- Morning Glory Farm DRI 620-M3 Part 3 Ground Mounted Solar Array aerial view
- Morning Glory Farm DRI 620-M3 Part 1: Workforce Housing site plan
- Commission Draft DRI Checklist August 1, 2016 Standards and Criteria Version 13
- DRI Checklist Maps for Draft MVC DRI Checklist Version 13
- Letter from Eric Peters to the Martha’s Vineyard Commission, Dated August 4, 2016, Re: DRI Standards and Criteria Review
- Martha’s Vineyard Commission Draft Written Decision Kuehn’s Way (Bridge) Affordable Housing DRI 560-M3
- DRI 624 Extension Request Katama Hanger, Dated August 3, 2016



Chairman

9/15/16

Date



Clerk-Treasurer

9/13/16

Date