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**Minutes of the Commission Meeting
Held on January 19, 2017
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)	P James Joyce (A-Edgartown)
P Gail Barmakian (A-Oak Bluffs)	P Michael Kim (A-Governor)
- Yvonne Boyle (A-Governor)	P Joan Malkin (A-Chilmark)
P Christina Brown (E-Edgartown)	P Katherine Newman (A-Aquinnah)
- Peter Connell (A-Governor; non-voting)	P Ben Robinson (A-Tisbury)
- Robert Doyle (E-Chilmark)	P Doug Sederholm (E-West Tisbury)
- Josh Goldstein (E-Tisbury)	P Linda Sibley (E-West Tisbury)
- Fred Hancock (E-Oak Bluffs)	P Ernie Thomas (A-West Tisbury)
P Leonard Jason (A-County)	P Richard Toole (E-Oak Bluffs)
	P James Vercruysse (e-Aquinnah)

Staff: Adam Turner (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Planner), Priscilla Leclerc (Senior Transportation Planner), Dan Doyle (Transportation Planner), Curtis Schroeder (Administrator).

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

James Vercruysse, Chairman welcomed Michael Kim as a new Governor Appointee member of the Commission.

- **Michael Kim** said he is very pleased to be part of the Commission and you will find that he is the exception to the rule and will attend the MVC meetings. He is an architect in Brookline and has a cottage in Oak Bluffs. He has served at the Governor's pleasure at the State Designers Selection Board and looks forward to serving the Commission.

1. ADOPTION OF BUDGET FY 2018

Commissioners Present: T. Barnes, G. Barmakian, C. Brown, L. Jason, J. Joyce, M. Kim, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

James Vercruysse, Chairman noted that this year's draft budget is more extensively summarized than it has been in previous years.

1.1 Staff Report

Adam Turner presented the following.

- He commended Curtis Schroeder and John Breckenridge for developing the draft.
- To develop the budget we went to the Towns Finance Committees in October and November.
- Once the budget is adopted we will go to the towns so it can be adopted as part of their budget.

- Our philosophy is if we need revenue beyond the proposed rate then we will generate that revenue ourselves. We will be doing more grants.
- The 2% increase primarily covers health benefits.

Curtis Schroeder presented the following.

- The proposed budget has a slight increase of 3.7% which addresses the recent increases in medical benefits and a slight increase in travel/conferences.
- Most of the increase will be paid by grants and other revenue sources. FY 2018 Town Assessments will only slightly increase by approximately 2.2%.
- Staff Salaries will increase by 3.4%, representing merit increases of 2.4% and the average COLA from all of the Towns at 1%. Previously COLA was 2.4%.
- We are on a good trend downward.
- Adam Turner has done a superb job in getting grants and currently we have \$80,000.

1.2 Commissioners' Questions

Leonard Jason asked if the previous numbers were actual. **Curtis Schroeder** said they are the budget numbers and he will get the actual numbers to the Commissioners.

Adam Turner noted that in FY 2016 the MVC spent \$70,000 over what was budgeted due to two lawsuits that added \$30,000-\$40,000 and the Executive Director transition costs. Our reserves are the same as when we started the year.

Ernie Thomas moved and it was duly seconded to adopt the FY 2018 budget. Voice vote. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.

Adam Turner said going forward the MVC would like to look into long term budgeting and we can do more with grants and that is where our revenue increases should come from.

Gail Barmakian asked if there are funds left over at the end of the year how do they get allocated. **Curtis Schroeder** said if there is a deficit it goes to that and then to the retirement fund.

2. RIVERA ANR – CHILMARK DRI 671 PUBLIC HEARING

Commissioners Present: T. Barnes, G. Barmakian, C. Brown, L. Jason, J. Joyce, M. Kim, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

James Vercruysse, Chairman said the public hearing is being postponed at the request of the applicant. Some documentation was just brought into the MVC and there are questions on how to use that information. The public hearing has been rescheduled to March 16, 2017.

Adam Turner apologized for the delay but it is the MVC's practice to not hold a public hearing without all of the information being ready.

3. SANTANDER BANK HISTORIC ROOF-TISBURY C.R. 13-2016 CONCURRENCE REVIEW

Commissioners Present: T. Barnes, G. Barmakian, C. Brown, L. Jason, J. Joyce, M. Kim, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

James Vercruysse, Chairman noted that this is a Concurrence Review to determine if the matter rises to the level requiring a public hearing.

3.1 Staff Report

Paul Foley presented the following.

- The applicant is Santander Bank being represented by Sean Murphy.
- The location is Main Street, Tisbury.
- The applicant removed the historic clay Spanish style roof tiles that had been on the building for over 100 years and replaced them with asphalt tiles.
- The bank building was built in 1905 by William Barry Owen on the site of the old harness factory. Owen had become rich selling gramophones for the Victor Talking Machine Co. The bank was designed by architect J. Williams Beal of Boston.
- William Barry Owen bought a major interest in the Martha's Vineyard National Bank. The bank was built of stone to ensure safety and to symbolize the recovered town after the harness factory fire.
- The applicant was issued a Building Permit to perform the work last summer. It was only after the historic clay tiles were being removed that citizens became aware and raised the alarm. The project was then referred to the MVC for DRI Concurrence Review for exterior alteration of an historic building over 100 years old.
- The applicant has said that repairing the roof would cost \$100,000 and that to replace them with clay tiles would cost \$400,000.
- Staff suggested to the applicant that a few additional factors should be considered.
 - The historic clay tiles that previously graced the building had been there for a very long time possibly 110 years but in any case much longer than the lifetime of an average asphalt roof.
 - The bank may want to consider seeing if they can get the building listed on the National Historic Register. If the bank were successful in being listed on the National Historic Register they should factor in the value of the prestige that designation brings as well as that replacing the historic tiles may be eligible for up to a 40% reimbursement through Federal and State Historic Tax Credits.
- The DRI Trigger is 8.2ii, Exterior Alteration of a building over 100 years old, Concurrence Review.
- Historic photos were reviewed.
- Photos of the removal of the tiles were shown as well as before and after photos.
- The building below the Main Street building was built in the 1980s and has replica stone/clay tiles.
- Photos were shown of the old style tiles on the building built in the 1980s and the replaced asphalt tiles on the Main Street original bank building.
- Correspondence was received;
 - Scott Tuttle said he believes the Stone Bank is worth reviewing by the Commission. He found the project sheet from Ludowici tile which is still operating in Ohio today. There is some great information about the Breakers in Newport and the restoration of the tile roof. Hedge Lee, the former Whitney estate on the harbor was also designed by J. Williams Beal. The home has a tile roof which has been maintained and was built around the same time.
 - Hyung Suk Lee said this could be the sad case of how critically important values and evidences of the town's history and our community's pride could be erased so easily and quickly from the oversight. We would no longer be able to bear the town's history to be

proud of. Having that stone building located on Main Street in Vineyard Haven is beyond the building's value. The asphalt roof replacement has to be corrected at all costs.

3.2 Commissioners' Questions

Ben Robinson said the Planning Board has a Special Permit process for buildings over 3,000 sf and would be reviewing the project at the same time.

Katherine Newman asked why that was not followed or was that process not in place yet when the roof was redone. **Ben Robinson** said it was another oversight. The regulation was in place but the applicant was not made aware of it.

James Joyce asked if all of the roofs have been done yet. **Paul Foley** said the building below the Main Street building has the replica tiles and was done in the 1980s. The Main Street Bank building is finished.

Leonard Jason asked if the Building Permit was rescinded.

Ernie Thomas asked if there was an asphalt roof done previously on the other building.

3.3 Applicants' Presentation

Sean Murphy presented the following.

- He became involved in the project after the work had been started.
- The outcry was how could the Bank do this.
- On May 20th the Bank reached out to Ken Barwick asking what the process is and he read the email that transpired. A Building Permit was required and obtained.
- The contractors did as they should.
- It was a busy time of the year and Ken Barwick made a mistake.
- The cost for an asphalt roof is \$100,935 and it would be an additional \$276,260 for Spanish tile that would not be the correct color and an additional \$388,950 for the correct color.
- The Bank feels they should not bear the cost when they did the work as they were supposed to do. They did the work properly and they finished the job. He believes the Building Permit was not rescinded.
- It doesn't seem fair for the applicant to go through a public hearing when they did what they were supposed to do.

3.4 Commissioners' Discussion

Katherine Newman asked if the applicant didn't realize that something was amiss when the outcry from the people was heard. **Sean Murphy** said when the outcry was known the tiles were off the roof with a completely exposed roof. There was a hurricane approaching the coast so they made sure the work was completed and the roof was weather tight.

Leonard Jason said if there is not a development permit why are we hearing this. Was a stop work order issued? **Ken Barwick** said there was not a stop work order.

Leonard Jason said a DRI is determined by the application so why are we hearing this.

Paul Foley noted that there was a Building Permit. There was thought of a stop work order but with the storm approaching it was asked to complete the work.

Linda Sibley said she believes that the MVC has previously heard a matter after the work has been completed but we should consult counsel. This is not a trivial change and it is an important historical

building. We cannot make a decision until we hear from counsel; does this rise to the level requiring a public hearing.

Gail Barmakian asked how it came to the MVC. **Paul Foley** said it was referred by the Building Inspector.

Joan Malkin questioned if the work was completed with a Building Permit, is there now anything that can be done. **Ben Robinson** said by the Town Bylaws the applicant needs to go through the Special Permit process. It was an error to issue the Building Permit prior to that.

Michael Kim asked if there is a Preservation Commission to review these types of buildings. **Paul Foley** said there is the William Street Historic Commission but this building is not in that district.

Katherine Newman said there is an outstanding Special Permit but no one has applied for that so now how is that handled. **Ben Robinson** said the Town can impose a fine on them but it is incidental. The Town has been waiting to see if any negotiation has happened with the Bank.

Doug Sederholm said there are three issues; the referral issue that Leonard Jason raised, Linda Sibley raised the issue that this is a Concurrence Review and does it rise to the level requiring a public hearing, is there regional impact and the applicant's attorney has raised the issue that they did not do anything wrong, so they shouldn't be put through the process and bear the financial cost to replace the roof.

Paul Foley noted that this is similar to the Army Barracks on Circuit Avenue that was torn down, so there is a precedent.

James Vercruysse said the MVC needs to consult our attorneys to determine how to handle this.

Christina Brown said the attorney will be interested to also see what the courts decided on an Edgartown issue when the Town Board gave a permit and then after that the referral was done.

Gail Barmakian said it is important that all the facts are at hand with counsel.

Linda Sibley said she thinks it is unfortunate that we are dealing with a person who is very conscientious of referring projects to the MVC. But it is important that the Towns understand that if they issue a permit in error it is not necessarily okay.

Ben Robinson said there is some responsibility for the applicant through their own diligence to review the Town Bylaws when going forward with a project.

Sean Murphy said this is the first time he has heard of the Bylaws for a Special Permit. This is a roof and you usually don't check all the Bylaws for that, it was not a major development.

Joan Malkin and **Paul Foley** asked if the Building Permit is still open and asked for clarification. **Ken Barwick** said the permit is open. We heard from the company that installed the roof for a final inspection and he is working with legal to find out how to handle it.

Michael Kim said the work has been done and if the project had gone before the MVC it might be assumed that traditional clay tiles would need to be used and it would be at the cost of the applicant, so what is the position on the damages.

Adam Turner noted that right now the MVC is just determining if the project requires a public hearing.

James Vercruysse wants to continue the review until the MVC can get advice from legal counsel.

Gail Barmakian noted that the project is still somewhat up in the air since there has not been a final inspection for the permit that was issued.

James Vercruysse, Chairman continued the Concurrence Review until February 2, 2017.

4. LAMPOST CONVERSION – OAK BLUFFS DRI 670 WRITTEN DECISION

Commissioners Present: T. Barnes, G. Barmakian, C. Brown, L. Jason, J. Joyce, M. Kim, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

Katherine Newman questioned the language on line 145 and suggested it be clarified. Christina Brown suggested adding “resident” after seasonal “... 48 seasonal resident employees.”

Christina Brown suggested adding language to the end of line 186 “than the previous use”.

Doug Sederholm noted that the language on line 282 should read “shall be”.

Christina Brown suggested revising the language on line 287 to read “... Committee as to how...”.

Doug Sederholm noted that Richard Toole pointed out that section 5. Conditions 3 Transportation and Parking (lines 290 to 301) should be deleted as they were not an offer from the applicant.

Doug Sederholm moved and it was duly seconded to approve the Written Decision for DRI 670 Lampost Conversion as corrected. Roll call vote. In favor: T. Barnes, L. Jason, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, J. Vercruysse. Opposed: none. Abstentions: none The motion passed.

5. NEW BUSINESS

Commissioners Present: T. Barnes, G. Barmakian, C. Brown, L. Jason, J. Joyce, M. Kim, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

5.1 Executive Director Report

Adam Turner presented the following.

- He has spoken with the Department of Energy and Environmental Affairs and they have lost the DRI Checklist and it has been resubmitted. He spoke with Kurt Gandle and he is recommending approval and will send it back to the MVC within the next two weeks.
- He has the HPP Housing Plans and they are having meetings with the Selectmen and the Affordable Housing Committees next week. The documents have all been given to the Town Administrators and they are on the MVC web site. It is now time to have conversations with the Towns.
 - Gail Barmakian asked if there is a deadline for the Towns to accept.
 - Adam Turner said it is February 17, 2017. There is a deadline for the State. He is just announcing the progress as this is a town issue and the MVC is facilitating.
- The MVC Planning Meeting is January 26, 2017 at 7:00 p.m.. There will be a VTA presentation from Angie Grant, he will be presenting the statistical abstract presentation and they will be talking about the Community Compact program and the programs that they have.
- Dan Doyle has joined the MVC as a planner and he previously worked for New York City. He is very good at grant writing and he has been working on transportation.
- The Board of Selectmen from Cuttyhunk visited the MVC on January 18, 2017. We are helping them with personnel issues and assisting with internet connection. They are also looking at trail connections.
 - Katherine Newman asked what their population is.
 - Adam Turner said it is 22 and all three of the Selectmen do not live year round on Cuttyhunk.

5.2 Reports from Chairman, Committees and/or Staff

Joan Malkin asked what the status is of the Demolition Guidelines. She believed that before we ask the MVC to vote on it we were going to test drive it. She would like to distribute it and vote on it, adopt it to be used for the next demolition project and if it is not good it can be changed quickly.

Katherine Newman asked what happened to the Oak Bluffs small cottage demolition project. **Paul Foley** said it was withdrawn. The applicant will apply for a Special Permit to move it on the property and use it as a guest house. **Katherine Newman** said it would be good going forward to have project updates so we know the outcome. **Adam Turner** agreed.

Adam Turner handed out the Commission roster.


The meeting was adjourned at 8:10 p.m.

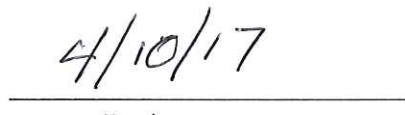
DOCUMENTS REFERRED TO DURING THE MEETING

- Martha's Vineyard Commission Final Budget FY2018 (DRAFT)
- Martha's Vineyard Commission C.R. 13-2016 Santander Historic Roof Tiles MVC Staff Report 2017-01-19 Concurrence Review
- Correspondence re: Santander Historic Roof Tiles from Scott Tuttle, Sean Murphy, Hyung Suk Lee
- Draft Decision of the Martha's Vineyard Commission DRI 670 – Lampost Conversion


Chairman


Date


Clerk-Treasurer


Date