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**Minutes of the Commission Meeting
Held on February 3, 2011
In the Stone Building
33 New York Avenue, Oak Bluffs, MA**

IN ATTENDANCE

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

- | | |
|--------------------------------------|-----------------------------------|
| - Bill Bennett (A – Chilmark) | - Lenny Jason (A – County) |
| P John Breckenridge (E – Oak Bluffs) | - Katherine Newman (E – Aquinnah) |
| P Christina Brown (E – Edgartown) | P Ned Orleans (A – Tisbury) |
| P Peter Cabana (A – Tisbury) | - Camille Rose (A – Aquinnah) |
| P Martin Crane (A – Governor) | P Doug Sederholm (E – Chilmark) |
| P Erik Hammarlund (E - West Tisbury) | P Linda Sibley (E – West Tisbury) |
| P Fred Hancock (A – Oak Bluffs) | P Brian Smith (A – West Tisbury) |
| P Chris Murphy (E – Chilmark) | - Holly Stephenson (E – Tisbury) |
| P Jim Joyce (A – Edgartown) | |

Staff: Mark London (Executive Director), William Veno (Senior Planner), Paul Foley (DRI Coordinator), and William Wilcox (Water Resource Planner).

Chris Murphy called the meeting to order at 7:00 p.m.

1. MINUTES

1.1 January 20, 2011

Christina Brown moved, and it was duly seconded, to accept the January 20, 2011 Minutes with corrections to typographic errors submitted by Commissioners. A voice vote was taken. In favor: 12. Opposed: 0. The motion passed.

2. EDGARTOWN FISH AND MEAT DRI 170-M2 – CONCURRENCE REVIEW

Commissioners Present: J. Breckenridge, C. Brown, P. Cabana, M. Crane, E. Hammarlund, F. Hancock, C. Murphy, J. Joyce, N. Orleans, D. Sederholm, L. Sibley, B. Smith
For the Applicant: Sean Murphy (Lawyer/Agent)

2.1 Staff Report

Paul Foley provided the staff report.

- The applicant is John Ready, Edgartown Meat & Fish Market.
- Project Location: 240 Edgartown-Vineyard Haven Rd, Edgartown Map 21 Lot 10.2 Unit 2
- The intention is to convert the former Hollywood Video Store to a meat, fish & grocery market.

- The proposed project is a change in use to convert an existing building from a retail video store (6,060 total square feet) to a retail food market store with deli, baked goods, and coffee (4,850 total square feet).
- The remaining 1,210 square feet in Unit 3 would be leased to a separate retail operation.
- The Meat and Fish Market would include high-end meats, seafood, produce, beer & wine, bagels, gourmet sandwiches, and coffee.
- The hours of operation would be 6:00 am to 8:00 pm daily on a year-round basis.
- The Applicants have two other similar stores outside of Burlington, Vermont.
- It is B-2 Commercial zoning. The proposed project is an allowed use in Edgartown's B-2 Upper Main Street District, however it will require a Special Permit from Planning Board and Liquor License from the Selectmen.
- Surrounding Land Uses: The Post Office; Granite hardware; and other small retail outlets within the business complex. The business complex abuts a residential neighborhood in the rear. The site also abuts the Edgartown park and ride.
- DRI Referral: Edgartown Planning Board; Received December 20, 2010.
- DRI Trigger: 1.2 (Previous DRI) and 3.1f (Change of Use). Both are by Concurrence.
- Project History: DRI 170 first came to the MVC as "Four Flags" in 1984. The project was approved with conditions including phased construction; lighting; landscaping; noise; screening of dumpsters; and defined hours for deliveries and waste disposal. In 2001 the Granite Hardware store came before the MVC with a proposal to expand retail activities into the basement. The MVC approved the proposal with conditions including no retail activities at the off-site warehouse at the Airport Business Park; deliveries by trucks no longer than 18 feet; and an offer pay the DCRHA \$3,800 to mitigate affordable housing.
- Some Key Issues: Will the proposed use significantly increase trip generation to the Triangle business complex? Will the proposed use require significantly more parking? Is the property in compliance with previous DRI Conditions?

2.2 Applicant's Presentation

Sean Murphy provided the Applicant's Presentation.

- The Planning Board held a public hearing and another is scheduled on February 15, 2011.
- The retail space of the building is 1,508 sf. and the deli is 800 sf.
- They chose the building for its location.
- The owner's son, Sean Ready, will be relocating to the Island to run the business year round.
- Staff can park in the park-and-ride.
- There will be no changes to the exterior of the building, other than the sign.
- The other condo unit will be rented out to a third party with low traffic use.

2.3 LUPC Report

Doug Sederholm provided the LUPC Report.

- There was a concern regarding the traffic issue. Once looked at with the blended-use of the property, found there could be a 15% increase in traffic.

- The LUPC voted unanimously that it was not sufficiently significant impact to warrant a public hearing.
- The LUPC voted to recommend that the Commission not concur with the referral and send it back to the Planning Board.
- The vote was taken before receiving Mr. Larson's letter.

2.4 Commissioner Questions

Chris Murphy explained that this concurrence review is not a public hearing where the public is invited to comment on the merits of a proposal. He asked Mr. Larson, whose letter was distributed to the Board, if had any further comments; he did not.

Linda Sibley said that the staff report stated that the proposed business would generate sales tax for the Town of Edgartown. She said that the Town does not receive the sales tax. She also said that the purpose of the park and rides was to keep traffic out of down town and not to provide parking for adjacent establishments that do not have adequate parking.

There was a discussion regarding the Larson letter.

- **John Breckenridge** asked the Edgartown Planning Board members if they were able to address Mr. Larson's concerns in their special permit process.
- **Ned Orleans** said that he does not think the planning boards have the right to deal with the economic impacts of new business as brought forward in Mr. Larson's letter. The planning boards deal with the things that affect the land use in the town.
- **Christina Brown** explained that the legislation regulating the Commission states "...promoting the enhancement of sound local economies."
- **Erik Hammarlund** said if the Edgartown Planning Board can address the economic impact than it should be sent back to be addressed by the town. If it can't, then it may not be appropriate to send it back.
- The Edgartown Planning Board Members stated that they do not have specific statutory jurisdiction over economic impact; however they hold public hearings and make determination from the public input and their jurisdiction.
- **James Joyce** said that it could have a positive impact on the local fishermen by providing another establishment to sell their fish to.
- **Doug Sederholm** said that he agreed with Ned Orleans. If the concerns regarding the impact on the local economy were to be addressed, it would have to be by the MVC and no one else. He said he was not sure that another fish market would benefit the fishermen because there is a finite number of fish eaten on the Island at any given time; he does not think the number of establishments would increase the consumption. He does not think Mr. Larson is trying to protect a monopoly because next to his establishment there is a supermarket that sells a lot of fish, along with other fish markets on the island. He feels it is a legitimate issue. However, he has a hard time seeing how it could be dealt with at the Commission level.
- **Linda Sibley** explained that in other instances where a proposed business would wipe out another "only" establishment and would deny a certain geographical population of a service, the MVC could step in, but that is not the case here.

- **Mr. Larson** explained that he does not mind competition, but would rather go into competition with a local neighbor rather than someone from out of state. The proposed business may also encourage people from not entering into downtown, rather than bringing people into town.
- **Ned Orleans** pointed out that in the Island Plan, an area of concern was keeping the money on the Island, which is an area of concern raised in Mr. Larson's letter.

Christina Brown explained that there were two separate issues; whether or not to hold a public hearing and the nature of the economic impact.

Mark London recapitulated that economic impact is in the MVC 's purview, but not in the towns'. However, in deciding whether a public hearing is needed, the Commission, could consider what it could actually do with respect to concerns about commercial competition; would the Commission consider possibly denying the project based on the competition and impact to the local economy?

Sean Murphy addressed some of the economic concerns.

- Part of the enabling legislation for the Commission is to protect the Island economy, but the purpose of the review is to see if the application rises to the point of regional impact enough for the Board to hold a public hearing.
- The money will stay on the island. Sean Ready and the employees will be living on the Island. There is no corporate structure scattered around the country, but rather a family.
- The business would be high end meat and fish, which is a different from Stop and Shop down the street.

Linda Sibley moved, and it was seconded, that the proposal to convert the use to a fish and meat store does not have a regional impact and does not require a public hearing. In favor: 11. Opposed: 1. The motion passed.

Linda Sibley moved, and it was duly seconded, to approve the above modification. In favor: J. Breckenridge, C. Brown, P. Cabana, M. Crane, E. Hammarlund, F. Hancock, C. Murphy, J. Joyce, N. Orleans, D. Sederholm, L. Sibley, B. Smith. Opposed: None. Abstentions: None. The motion passed.

3. RICKARD BAKERY RETAIL INCREASE DRI 311-M4 CONCURRENCE REVIEW

Commissioners Present: J. Breckenridge, C. Brown, P. Cabana, M. Crane, E. Hammarlund, F. Hancock, C. Murphy, J. Joyce, N. Orleans, D. Sederholm, L. Sibley, B. Smith

3.1 Staff Report

Paul Foley provided the staff report.

- The applicants are Kathryn and Michael Rickard.
- The location is 114 Cook Street, Tisbury, Map 22C Lot 5 (0.61 acres)
- The applicant provided transaction receipts. During peak season in August, 59 was the highest number of transactions.
- There have been no reports of problems with traffic from the Building Inspector's Department or Planning Board.

- The applicant would like to have the same products available at the Vineyard Haven store that will be available at their new Edgartown store, providing a consistent product line to customers. This would include but would not be limited to sandwiches, soups, t-shirts and mugs representative of Rickard's Bakery.

3.2 LUPC Report

Doug Sederholm provided the LUPC Report.

- The increase should not have a significant impact on traffic.
- LUPC voted to recommend that the Commission approve the modification without a public hearing.

3.3 Commissioner Questions

There was a discussion regarding the items sold at the bakery.

- **Linda Sibley** asked what the "other things" were that would be sold.
- **Doug Sederholm** explained that it was not discussed at LUPC. The LUPC recommendation was not based on the section "including, but not limited to", but was based on an understanding that they were offering soup, sandwiches, tee shirts, and mugs.
- **Peter Cabana** recommended approving the proposal as reviewed in the LUPC and remove the "but not limited to". He added that this may reduce the number of trips to the other store.
- **Fred Hancock** stated that the business is for take-out only.

Linda Sibley moved, and it was duly seconded, that the proposal to add soups, sandwiches, tee shirts, and mugs to the already approved baked goods and hot and cold beverages does not have a regional impact and does not require a public hearing. In favor: 12. Opposed: 0. The motion passed.

Doug Sederholm moved, and it was duly seconded, to approve the above modification. In favor: J. Breckenridge, C. Brown, P. Cabana, M. Crane, E. Hammarlund, F. Hancock, C. Murphy, J. Joyce, N. Orleans, D. Sederholm, L. Sibley, B. Smith. Opposed: 0. Abstentions: 0. The motion passed.

4. EXECUTIVE DIRECTOR'S REPORT

4.1 Island Wind District of Critical Planning

Mark London said that he and Doug Sederholm are still in the process of meeting with planning boards to discuss if they are prepared to adopt the regulations of the Island Wind District of Critical Planning Concern.

- There is a possibility that an extension of the sunset clause on the interim DCPC regulations will be needed.

4.2 Cape Cod Commission Ocean Management Plan

Mark London said that the Cape Cod Commission has been working on an Ocean Management Plan, dealing only with ocean waters. He will be going to a hearing to review a draft report to see how it relates with the Island.

4.2 Federal Area of Mutual Interest off of Massachusetts

Mark London reported that the federal Bureau of Offshore Energy Management, Regulation, and Enforcement has put out a Request for Interest to potential wind developers for the area south of the Island. A public comment period has also been opened, which the MVC will work towards providing a written comment.

William Veno reported that Vineyard Power will be responding to the request and have requested the MVC support making some provision for nonprofits or community based applicants within the RFI area.

Mark London commented on the Vineyard Power proposal.

- In addition to the RFI area, the federal government reserved the area less than 12 nautical miles offshore for innovative or community developed wind energy projects. Vineyard Power could ask for the right to develop in this area, just inside the 12-mile limit, and potentially work with the commercial projects in the RFI area to share cables.
- The area that has been designated for commercial wind energy is far enough out that they do not trigger any royalties to the state or local communities.
- There have been discussions that it may be desirable for a developer to work with a project such as Vineyard Power.

Peter Cabana said Vineyard Power could reserve blocks: 7022, 7023, 7024, 6975, 6976, 6977, and 6978, which would put the wind turbines at 12 miles out with little impact on viewscapes and less burden on running cables and transmitting electricity.

Doug Sederholm said that if there were wind turbines, they should be as far away from the Island as possible as long as they are not interfering with fishing and other resources. The MVC comments should state that if there are turbines in the 3-12 nautical miles limit area, they should be as close to the 12 nautical miles as possible and not be any where nearer than 10 nautical miles.

4.4 Website

Mark London said that the website is under review and asked for comments or suggestions.

Linda Sibley said she tried to search for a document and could not find it. It may not have been there and it was not obvious how to start the search.

Doug Sederholm agreed and stated that either a search engine or search method was needed.

5. COMMITTEE REPORTS

5.1 LUPC Report

Doug Sederholm provided the LUPC Report.

- LUPC met with Ewell Hopkins, Executive Director of Island Affordable Housing Fund regarding the Bradley Square demolition. They obtained a demolition permit, which now has a six month hold on it by the Oak Bluffs Historical Commission and had been referred to the MVC. Different options have been explained to the Fund:
 - Surrender the DRI approval and seek approval of the demolition permit,
 - Seek a modification of the DRI, with a new project without the Denniston Building,
 - Sell the property with the approved DRI.
- The next LUPC meeting will be on February 7th to discuss the DRI Checklist.

6. SCHEDULING

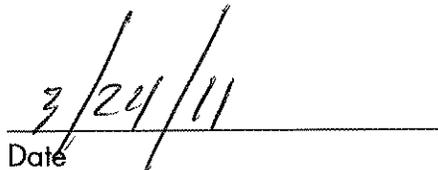
Mark London reminded Commissioners that meetings are typically planned for the first and third Thursdays of the month. Additional meetings are scheduled on the second Thursdays if needed. There will be a meeting next Thursday for the Hospital Parking Lot Public Hearing.

The meeting adjourned at 8:15 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING:

- Minutes of January 20, 2011
- Edgartown Meat and Fish DRI 170-M2: Staff Report
- Edgartown Meat and Fish DRI 170-M2: Larson Letter
- Rickard's Bakery Retail Increase DRI 311-M4: Staff Report
- Rickard's Bakery Retail Increase DRI 311-M4: Applicant Request Letter
- Vineyard Power Letter


Chairman


Date


Clerk-Treasurer


Date