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**Minutes of the Commission Meeting
Held on September 6, 2012
In the Stone Building
33 New York Avenue, Oak Bluffs, MA**

8 **IN ATTENDANCE**

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

- | | |
|---------------------------------------|---------------------------------|
| 10 P John Breckenridge (E-Oak Bluffs) | P Chris Murphy (E-Chilmark) |
| 11 P Christina Brown (E-Edgartown) | P Katherine Newman (E-Aquinnah) |
| 12 - Peter Cabana (E-Tisbury) | - Ned Orleans (A-Tisbury) |
| 13 P Tim Carroll (A-Chilmark) | P Camille Rose (A-Aquinnah) |
| 14 - Martin Crane (A-Governor) | P Doug Sederholm (E-Chilmark) |
| 15 P Erik Hammarlund (E-West Tisbury) | P Linda Sibley (E-West Tisbury) |
| 16 P Fred Hancock (A-Oak Bluffs) | - Brian Smith (A-West Tisbury) |
| 17 P Leonard Jason (A-County) | P Holly Stephenson (E-Tisbury) |
| 18 - James Joyce (A-Edgartown) | |

19 Staff: Bill Veno (Senior Planner), Paul Foley (DRI Planner)

20 **Chairman Chris Murphy** called the meeting to order at 7:05 p.m.

21 **1. V.N.A. LANDSCAPING (DRI 344-M2) MODIFICATION REVIEW**

22 Commissioners Present: J. Breckenridge, C. Brown, T. Carroll, E. Hammarlund, F. Hancock, L.
23 Jason, C. Murphy, C. Rose, D. Sederholm, L. Sibley, H. Stephenson.

24 For the Applicant: Robert Tonti (VNA Chief Executive Officer)

25 **1.1 Staff Report**

26 **Bill Veno** gave the Staff Report.

- 27 • The proposal is to retain existing landscape plants and the parking arrangement instead
28 of what was presented and remanded in October 2011.
- 29 • This is an update on the VNA building project and a submission for approval of the
30 landscape plan as required by the MVC.
- 31 • The landscape plan had to come back to the Land Use Planning Committee (LUPC) for
32 approval but the proposal modifies the site plan that was approved.
- 33 • Mr. Tonti met with the Tisbury Planning Board to discuss the revisions to the parking plan.
34 The Planning Board did not have any issues with the modifications to the front parking
35 area.
- 36 • The number of cars parking on the site remains the same. The number of parking spaces
37 would not change from the remanded plan.

- 38 • Work on the building is nearing completion and the Town has been successful in
39 extending the sewer line to service the building.
- 40 • The site plan from last fall did not indicate the extensive existing landscape plants.
41 Keeping the existing landscaping would mean that the parking layout at the front of the
42 building would remain in two sections separated by a landscaped peninsula extending
43 from the building.
- 44 • LUPC stated that forming a street edge along Breakdown Lane is more dependent upon
45 shade trees than shrubs, so the planning median is not so necessary. In addition a couple
46 of shade trees could be placed near the road right of way in the vicinity of the landscape
47 peninsula without eliminating any parking spaces.

48 **1.2 Land Use Planning Committee Report**

49 **Doug Sederholm** gave the LUPC report:

- 50 • The applicant wants to be in by September 15, 2012. The Commission has to consider if
51 this is significant enough to require a public hearing.
- 52 • The Applicant has been very accommodating about the Breakdown Lane and the shade
53 trees.
- 54 • LUPC voted unanimously to recommend to the Commission that the modification of the
55 parking and the landscaping layout are not significant enough to warrant a public
56 hearing.

57 **1.3 Commissioners' Discussion**

58 **Doug Sederholm** suggested that during the MVC meeting the Commission could possibly
59 break for five minutes to have a LUPC meeting to review and make a decision.

60 **Erik Hammarlund** asked if LUPC has to be posted to approve the final decision or can the
61 Commission just amend the modification and have the Commission approve.

62 **John Breckenridge** asked for clarification from the Applicant regarding what type of shade
63 trees would be used. **Robert Tonti** said they have not had a chance to receive a decision but
64 they will accept anything that the MVC recommends. **John Breckenridge** recommended a
65 native species (acerrubrum, red maple) with a minimum size of a ten gallon pot.

66 **1.4 Deliberation and Decision**

67 ***Doug Sederholm moved and it was duly seconded that this is not significant***
68 ***enough to require a public hearing. Voice vote. In favor: 11. Opposed: 0.***
69 ***Abstentions: 0. The motion passed.***

70 ***Doug Sederholm moved and it was duly seconded to accept the changes as***
71 ***made with the addition of the native acerrubrum species in a ten gallon pot and***
72 ***the landscaping plan no longer needs to be approved by LUPC. Roll call vote. In***
73 ***favor: J. Breckenridge, C. Brown, T. Carroll, E. Hammarlund, F. Hancock, L.***
74 ***Jason, C. Murphy, C. Rose, D. Sederholm, L. Sibley, H. Stephenson. Opposed:***
75 ***none. Abstentions: none. The motion passed.***

76 **Robert Tonti** thanked the Commission and updated them that as of September 7, 2012 they
77 will be hooked up to the town sewer.

78 **2. REPORTS FROM CHAIRMAN, COMMITTEES AND/OR STAFF**

79 *Commissioners Present: J. Breckenridge, C. Brown, T. Carroll, E. Hammarlund, F. Hancock, L.*
80 *Jason, C. Murphy, C. Rose, D. Sederholm, L. Sibley, H. Stephenson.*

81 **2.1 Compliance Committee**

82 **Fred Hancock** said that they have achieved a final access agreement between the church and
83 MVTV. It is a permanent agreement and worded as an access easement.

84 There will be a Compliance Committee meeting on Tuesday, September 11, 2012 at 9:00 a.m.

85

86 **2.2 Land Use Planning Committee**

87 **Doug Sederholm** said that there will be a final push on the DRI Checklist and to have it voted
88 on by the end of the year.

89 **Paul Foley** said that there is not a LUPC meeting next Monday, but there will be a meeting on
90 Monday September 17, 2012.

91

92 **2.3 Reports from Staff**

93 **Bill Veno** noted two upcoming meetings:

- 94 • There is a Citizen Planner Training Collaborative workshop on Site Plan Review at the
95 MVC offices on Saturday, October 20, 2012 starting at 8:30 a.m.
- 96 • On October 1, 2012, the Bureau of Ocean Energy Management (BOEM) will meet with
97 regards to the contracts on the RFP for the joint Rhode Island and Massachusetts area and
98 will discuss the next steps for this process.

99

100 **Chris Murphy** recessed the meeting at 7:25 p.m. and reconvened at 7:30 p.m.

101

102 **Erik Hammarlund** excused himself from the meeting and **Katharine Newman** joined the
103 meeting.

104

105 **3. LEAF MIXED USE – EDGARTOWN (DRI- 637-2) DELIBERATION AND DECISION**

106 *Commissioners Present: J. Breckenridge, C. Brown, T. Carroll, F. Hancock, L. Jason, C. Murphy,*
107 *K. Newman, C. Rose, D. Sederholm, L. Sibley, H. Stephenson.*

108

109 **3.1 Staff Report**

110 **Paul Foley** gave the Staff Report.

- 111 • There have been two public hearings on July 12, 2012 and August 2, 2012.
- 112 • The public hearing was closed and there was a post public hearing at LUPC on August 6,
113 2012.
- 114 • The packet of information contains the LUPC minutes, the Edgartown Planning Board
115 minutes of July 24, 2012, an email from Georgiana Greenough and the offers.
- 116 • The proposal is to remove an existing residential house and guest house at 284 Upper
117 Main Street and replace them with a three story mixed use building.

- 118 • The Applicants have made the building smaller and discussions have been about the
119 access from the rear and the Town’s decision to have such an access.
120

121 **3.2 Land Use Planning Committee Report**

122 **Doug Sederholm** gave the LUPC report:

- 123 • There was a post public hearing review on August 6, 2012.
124 • There are concerns about the service road. It appears that the Edgartown Planning Board
125 is not delighted about the service road. The Commission does not want to tie the
126 Applicant’s hands because they were told they have to build the service road by the
127 Town.
128 • LUPC moved to approve the project, accept the offers and allow the Applicant to use
129 either exit but also to note that the MVC does not condone the service road. Added to the
130 motion was an amendment that if the alternative service road is accepted by the Town
131 then it would only have to come back to the LUPC since it has less impact on the abutters,
132 public and it preserves the vegetated buffer. The motion passed three to one.
133 • Fred Hancock had concerns and it was primarily about the massing of the building.
134

135 **3.3 Commissioners’ Discussion**

136 **Chris Murphy** asked the Commissioners if they should review the benefits and detriments or
137 have a motion first.

138 **Christina Brown** felt that the Commission could profit from a discussion before a motion. This is
139 an unusual proposal as well as an approval for the Commission. Because of the size, the
140 architecture and the use, the Commission said we should review this project. The Upper Main
141 Street Plan is the only zoned development plan on the Island. Here we are looking at the Town
142 plan and guidelines as well as the MVC guidelines. Our legislation tells us we must look at the
143 municipal plan and see if it is consistent with the MVC plan. The Upper Main Street Plan has a
144 number of principles that are stated and these issues should be looked at more closely such as the
145 architecture of the building, the open/green space and curb cuts. Some of the Upper Main Street
146 Plan guidelines are:

- 147 • Encourage the planting of large street trees.
148 • Creative adaptation of the original Edgartown buildings with the consideration of older
149 structures.
150 • Encourage the use of shared or common driveways.

151 **Chris Murphy** questioned the best order to deliberate.

152 **Christina Brown** said that some of her concerns are whether the building pays special attention
153 to the adjacent buildings, older buildings and groups of smaller buildings. She is asking all the
154 Commissioners to think of this and open it up to discussion.

155 **Katherine Newman** said she thought the Edgartown Planning Board came and participated
156 and the Applicants have discussed it with them. It seems that this discussion would be in the
157 review of the benefits and detriments and she would like to make a recommendation to accept
158 this proposal with the conditions. This is not a time to be hypothesizing the architecture.

159 **Katherine Newman moved and it was duly seconded to accept the proposal**
160 **with the conditions proposed by the Applicant and to accept either exit as**
161 **recommended by LUPC and to note that the MVC does not condone the service**
162 **road.**

163 **Christina Brown** asked if the language for the screening of the proposed service road and the
164 retaining road is strong enough to accept.

165 **Fred Hancock** noted that perhaps the Commission should make the screening as part of the
166 LUPC approval and part of the final landscape plan that has to come back to LUPC. **Christina**
167 **Brown** said that perhaps the language should be to accept the screening per the landscape plan
168 and to be adequate to screen the neighbors. **Linda Sibley** thought the picture shown is fairly
169 dense screening and the applicant has to come back with the final landscape plan that is
170 promised in the drawing. The screening has to be per this depiction and they will have to tell
171 LUPC how it will be accomplished.

172

173 **3.4 Benefits and Detriments**

174 Benefits:

- 175 • It will be on sewer.
- 176 • It is in a business district, is mixed use and it is infill.
- 177 • Down-lighting is being used.
- 178 • The offers state it will be a high energy-efficient HERS Certified Building.
- 179 • It maintains 25% of the property as open space.
- 180 • The traffic flow may be improved in this congested area.
- 181 • The size and location of the building is consistent with the Upper Main Street Plan.
- 182 • There is a limited amount of commercial zoned land on the Island which is usually located
183 in areas with traffic problems. It is not financially viable to develop the building as a small
184 structure with lots of open space.
- 185 • The proposal is scenically beneficial. Breaking the mass of the building by using gables
186 and porches suggests a much smaller building.
- 187 • This is an area in transition and the Mahoney property next to it will eventually be
188 developed as well. The Town and the Planning Board are expecting that.
- 189 • Service roads that run continually behind are a good idea versus individual service roads
190 per building.
- 191 • The service road is consistent with the Upper Main Street Plan.
- 192 • The Applicant has offered to make a monetary mitigation in the amount of \$2,850 per the
193 MVC policy for affordable housing.
- 194 • The project offers low-income housing. It would not be possible to have a mixed-use
195 building unless the building is large. The apartments are a good thing offering reasonable
196 housing.
- 197 • It conforms to zoning.
- 198 • There are no DCPC regulations for the project.

199 Detriments:

- 200 • There is not as much open space as was hoped for. It has satisfied the 20% requirement
201 but due to the size and the massing of the building, the open space is at a minimum.

- 202 • This is a heavy traffic area and the traffic report that was received was mixed as to
203 whether it will improve the traffic flow.
- 204 • The curb cuts add to the disruption of traffic.
- 205 • It is uncertain if this particular situation lends itself to a shared curb cut. It appears that a
206 shared curb cut would lose a significant amount of screening and parking.
- 207 • It is hard to define scenic values in a commercial area. There has been some fuss of where
208 the building is located on the property since the Upper Main Street Plan states there
209 should be respect for older Main Street properties.
- 210 • It will have an impact on abutters, though this is something that is often seen in areas that
211 are in transition. It is hard on people that are living there as a residential area but it was
212 decided by the Town to develop that area.
- 213 • The Town's insistence of the service road in this location increases the impact on the
214 abutters. However, the Commission is not in a position to tell the Town that they cannot do
215 what they have planned on Town property.

216 **Linda Sibley** said that she is not bothered by the size or the location of the building. It is an
217 area in transition and it is difficult to define scenic values in this type of a commercial area.

218 **Doug Sederholm** added that looking at the architects' sketches it looks massive, but he is not
219 disturbed by the massing and agrees with Linda's comments.

220 **Holly Stephenson** said that service roads are a problem all around the Island especially in
221 developing our commercial strips.

222 **Chris Murphy** noted that the Commission is not in a position to tell the Town that they cannot
223 do what they have planned on Town property. It is a tough situation, especially since one
224 property is already using the service road.

225 **Doug Sederholm** said it is Town land and the Town's idea and all the Commission can do is
226 voice its opinion that for this project it is not a great idea.

227 **Fred Hancock** noted that it is an exit road; it is not really a service road for delivery trucks.

228 **Chris Murphy** said the Town's purpose was to create fewer points of entry for traffic onto the
229 main road.

230 **Doug Sederholm** said the only reason that he sees they want to do it the way it is proposed is
231 to save large truck parking spaces.

232 There was a discussion regarding modifying the offer to state year-round residences only;

- 233 • **Camille Rose** said that some year round residences can be rented weekly. To avoid
234 weekly rentals you need to have it stated.
- 235 • **John Breckenridge** suggested revising the language to be only a year round residence
236 and not to be used for subletting.
- 237 • **Chris Murphy** agreed with keeping the language as submitted.

238 **Christina Brown** said it is usually stated in the landscape plan that it is to be approved by the
239 LUPC before the building permit is issued and it would also state that the plan would contain "the
240 following elements". She suggested that a definition of the screening and the types of species to
241 be used be added to the plan and questioned if the street trees are sufficient and shouldn't they

be defined clearly in the landscape plan. **Chris Murphy** noted that the plan is to meet the drawing.

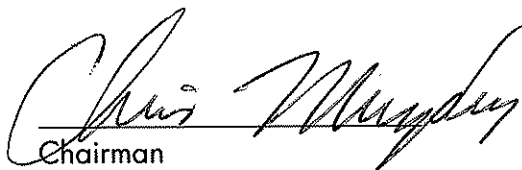
Roll call vote. In favor: J. Breckenridge, C. Brown, T. Carroll, K. Newman, C. Rose, D. Sederholm, L. Sibley, H. Stephenson, C. Murphy. Opposed: F. Hancock. Abstentions: none. The motion passed.

Chris Murphy noted that staff will prepare a written decision.

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

DOCUMENTS REFERRED TO DURING THE MEETING

- Martha's Vineyard Commission Draft-Land Use Planning Committee – Meeting Minutes of August 20, 2012
- VNA Memorandum to the MV Commission dated August 20, 2012 – Update on 29 Breakdown Lane, VH Building Project
- Email from Pat Harris to Bill Veno dated September 6, 2012 – Response to the Questions for VNA
- Remanded Site Plan for the VNA Project dated October 6, 2011 – Portion of VNA Base Plan dated August 9, 2012 (Rev. 1; 8-23-12)
- Martha's Vineyard Commission – Land Use Planning Committee – Notes of the meeting of August 6, 2012
- Edgartown Planning Board – Tuesday July 24, 2012 – 5:30 p.m. – Selectmen's Meeting Room – Minutes
- Email from Georgina Greenough date August 2, 2012 to Doug Hoehn and Paul Foley – Trolley Lot Access (Leaf Project)
- Proposed Site Plan – Edgartown, MA – Prepared for Nils G. & Jayne Leaf dated June 19, 2012
- Leaf Offers dated August 6, 2012


Chairman

10/23/12
Date


Clerk-Treasurer

10-18-12
Date