

PO BOX 1447, OAK BLUFFS, MASSACHUSETTS, 02557, 508-693-3453
FAX 508-693-7894 INFO@MVCOMMISSION.ORG WWW.MVCOMMISSION.ORG

Minutes of the Commission Meeting Held on November 15, 2012 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

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

P John Breckenridge (E-Oak Bluffs)	P Chris Murphy (E-Chilmark)
P Christina Brown (E-Edgartown)	P Katherine Newman (E-Aquinnah)
- Peter Cabana (E-Tisbury)	- Ned Orleans (A-Tisbury)
P Tim Carroll (A-Chilmark)	P Camille Rose (A-Aquinnah)
- 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 Leonard Jason (A-County)	P Holly Stephenson (E-Tisbury)
P James Joyce (A-Edgartown)	

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Planner)

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

1. MINUTES

Commissioners Present: J. Breckenridge, C. Brown, T. Carroll, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, K. Newman, C. Rose, D. Sederholm, L. Sibley, B. Smith, H. Stephenson.

Fred Hancock moved and it was duly seconded to approve the minutes of October 18, 2012 with corrections as noted, indicating that Erik Hammarlund had recused himself from the Edgartown National Bank (Oyster Bar) Renovation Concurrence Review. In favor: 12. Opposed: 0. Abstentions: 2. The motion passed.

Linda Sibley recused herself from the meeting and left the room.

2. M.V. ARENA CELL TOWER – OAK BLUFFS (DRI-49-M3) MODIFICATION REVIEW

Commissioners Present: J. Breckenridge, C. Brown, T. Carroll, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, K. Newman, C. Rose, D. Sederholm, B. Smith, H. Stephenson.

For the Applicant: Sean Murphy (Lawyer), Dick Barbini (Engineer)

2.1 Staff Report

Paul Foley presented the following:

- The applicant is asking to modify the 2008 decision that approved a wind turbine in approximately the same location.
- The 2008 decision was for a wind turbine on a lattice tower with a height of 172.5 feet. The approval also included wireless communications equipment for up to four carriers.
- The proposed modification is for a monopole tower with a reduced height to 120 feet. The wind generator would be removed.
- A bird study would not be necessary since there would be no wind blades.

2.2 Land Use Planning Committee (LUPC) Report

Doug Sederholm, LUPC Chairman, said that LUPC had a discussion with the applicant about the design and visual impact of the tower, due to its prominent location. LUPC also noted that the original proposal was approved because it had the benefit of providing clean energy, something that is not part of this proposal. LUPC recommended that if the application was for a stealth monopole tower with internal antennae, then it was not a significant change and would not require a public hearing. However, if the proposal was for a standard cell tower with the antennae mounted on the exterior of the pole, LUPC recommended that a public hearing be held.

2.3 Applicants' Presentation

Sean Murphy presented the following:

- The original proposal, that was approved, was for a 140 foot tall lattice tower with an actual height of 172.5 feet with the wind turbine.
- The FAA rejected the proposed height of 140 feet and therefore the tower would no longer work as a wind tower.
- The new solution is a monopole with a height of 120 feet.
- The arena has negotiated a lease agreement with Grain Communications that would create a consistent revenue stream for the arena. AT&T is the first tenant on the proposed tower.
- Oak Bluffs zoning has certain lots that allow cell towers and this is one of them.
- From the ice arena's perspective having the antennae inside the monopole could re
- The minimum height for the AT&T antennae is 100 feet, so if the antennae were inside, that would only allow for one carrier. This would represent a dramatic drop in income due to the limited number of carriers. It would also mean that other carriers would want to build other towers in the area.
- The ice arena noted that the overall height could be revised to 110 feet and it would still generate the income needed.
- The applicant is hoping that the MVC will decide that the proposal does not require a public hearing.
- The proposal is for a monopole with four carriers and with the antennae on the outside.

Leonard Jason noted that they are making the 50 feet lower and getting rid of the wind turbine and that would seem to be a notable visual improvement.

Chris Murphy said that the original proposal was to generate power and the carriers were incidental. It is also to produce income for the arena.

Christina Brown asked for a picture of what was actually approved four years ago. **Paul Foley** showed the approved schematic plan as well as photos of wind towers with internal and external antennae. **Sean Murphy** noted that their proposal would not be as visually busy as the photos.

Doug Sederholm asked for clarification on what is being proposed in relation to the antennae. **Sean Murphy** said there would be four triangular platforms projecting out from the monopole at ten foot intervals. There would be three antennae on each of the three sides of each platform, for a total of 36 antennae.

Christina Brown asked what antenna array was previously approved. **Sean Murphy** said it was the same antennae but with different arrays.

Christina Brown moved and it was duly seconded that this is a change within the scope of the Commission's previous decision and is a not significant enough modification to require a public hearing.

- **Mark London** suggested that the Commission might want to clarify why the 120' monopole with internal antennae would only be able to accommodate a single carrier. He noted that a monopole tower was recently erected by AT&T on Old Courthouse Road in West Tisbury. It has internal antennae and is only 80 feet high, in an area whose tree canopy is a similar height; yet it accommodated three different carriers.
- **Paul Foley** asked why the proposed stealth monopole cell tower in West Tisbury by Verizon can do what this one wants to in just 80 feet. At 120 feet tall they should be able to fit more than one carrier in a stealth monopole.
- **Christina Brown** felt that the Commission should focus on the application in front of it. If the issue is a visual one the proposed tower is less intrusive at 120 feet.
- **Doug Sederholm** read condition 1c and 1d of the original approval: "As offered by the Applicant, the wireless telecommunication antennae and their supporting structures shall not extend more than approximately 2' beyond the outside members of the tower. As offered by the Applicant and in order to minimize the number of future towers, the Applicant shall agree to co-location of up to four providers." It also called for LUPC review of the detailed design of the proposed antennae.

Voice vote. In favor: 12. Opposed: 2. Abstentions: 0. The motion passed.

Christina Brown moved and it was duly seconded to accept the modification as presented namely with 120 foot monopole tower, with the antennae arrays as proposed, with all other conditions remain the same including the requirement that each carrier come to LUPC with the detailed design of each installation.

- **Erik Hammarlund** asked why they have to go back to LUPC for the detailed design of the AT&T antennae, since the Commission already has a picture and it is the only thing they want to do now.
- **Sean Murphy** asked if the Commission could approve AT&T as the other carriers are not ready to go at this time but AT&T is.
- **Mark London** noted that in that case, the future carriers they would be required to come back to LUPC for review of each additional carrier's design.
- **Christina Brown** said that her intention was to include the other conditions including that the wireless telecommunication antennae and their supporting structures not extend

more than approximately 2 feet beyond the outside members of the tower, that the design of the cell phone antennae and their supporting structures be submitted to and be subject to the approval of the MVC Land Use Planning Committee, and that they be designed to minimize their visibility.

- **Sean Murphy** said that the limit of 2' for the projections would not work; with the monopoles, the projections would be much deeper than that. He reiterated that he didn't want to come back to LUPC for AT&T since they are ready to go. Coming back for the other carriers is okay. He also did not think the bird study would be needed since the wind generator has been removed.
- **Erik Hammarlund** said that condition 4a needs to be removed; "As offered by the Applicant, if the wind turbine is not operational for a period of more than 12 months, the Applicant shall dismantle and remove the tower at its expense, unless the Applicant has returned to the Commission and received approval to maintain the tower, and possibly the cell phone antennae, without the wind turbine." **Christina Brown** agreed but condition 4b should remain; "As offered by the Applicant, if the tower is removed, the Applicant shall restore the site."
- **Doug Sederholm** asked for clarification as to whether the AT&T application is going to be per the sketches as shown on design plans LE2 and LE3.
- **Erik Hammarlund** asked if they are plans to scale.
- **Sean Murphy** said they were not to scale.
- **Christina Brown** clarified that condition 1a of the original decision is to be revised as offered by the Applicant;

Christina Brown moved and it was duly seconded to fine tune her motion so that condition 1c is changed to indicate that approval include the AT&T antennae and platform as shown on plans LE2 and LE3, that the design of any subsequent cell phone towers have to come back to LUPC, that the platforms and antennae not extend more than what is shown on the new modification plan, that condition 4a about the turbine not being operational be removed, and that the bird study is not needed.

Roll call vote on the original motion with the modifications. In favor: J. Breckenridge, C. Brown, T. Carroll, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, K. Newman, C. Rose, D. Sederholm, B. Smith, H. Stephenson. Opposed: none. Abstentions: none. The motion passed.

Linda Sibley rejoined the meeting and suggested that the Commission be more precise in its language. These are wind turbines, not windmills since they don't grind grain. Also, there had been some confusion about the use of the terms towers and platforms; this proposal is for one tower with four platforms.

Chris Murphy noted that according to the State you cannot deny a tower if there is not adequate coverage in that area.

Brian Smith suggested that the Commission ask staff to start developing guidelines for cell towers. **Christina Brown** noted that an effort was started to do this several years ago. They got maps of coverage areas. Perhaps staff could locate the maps and we could start from there.

Linda Sibley returned to the meeting.

Eric Hammarlund recused himself from the meeting and left the room.

3. 10 STATE ROAD/GRILLO NEW BUILDING – TISBURY (DRI-622) PUBLIC HEARING

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

For the Applicant: Joe Grillo, Delano Realty Trust

Doug Sederholm, Public Hearing Officer opened the Public Hearing at 7:45 p.m. and read the public hearing notice. The location is 10 State Road, Map 9-A Lot 5 (0.35 acre). The proposal is to build a new three story 5,655 gsf mixed use building on a property in the B-1 District behind an existing 1,920 sf building on the same property.

3.1 Staff Report

Paul Foley presented the following:

- The location is next to the Edu Comp Building.
- This is an archaeological site. In 1965 William Ritchie, the author of "the Archaeology of Martha's Vineyard" did an extensive dig on the property next door and wrote a chapter about it in the book.
- An archaeological study has been done by the Public Archeology Lab (PAL). According to the plans PAL reviewed in 2010 "the majority of the construction will not extend below the level of the overburden/fill layers and will not directly impact the intact/undisturbed archaeological deposits... If any construction-related impacts are proposed below the level... then additional archeological excavation may be necessary in these targeted areas."
- Key issues include that this is an archeological site and it is a busy stretch of State Road. An additional issue is how much development should be on the parcels on this stretch of State Road. The proposed building is almost three times the size of the existing building.
- The Applicant has indicated that there will be a connection to the Tisbury wastewater facility and enough wastewater flow has been allocated for the property. This will remove a potential source of added nitrogen to the Lagoon. Typically, the Commission requests documentation of the sewer allocation in the form of a copy of the minutes of the meeting at which it was awarded or as a letter from the Sewer Commissioners or DPW.
- The Applicant indicated that a stormwater plan is in preparation. In general, they are planning a retaining wall at the lower end of the parking area that would have a gravel bed for infiltration.
- The neighboring property (18 State Road – DRI593) was required to "grant a dormant easement to abutting properties if the Town of Tisbury or MVC requests access to or through this property". The Applicant has said he is not interested in connecting the access.
- The site plan shows 17 parking spaces, two of which are for handicapped. Ten of the parking spaces are in the rear of the proposed building. The existing site accommodates approximately seven parking spaces, one of which is for handicapped.

- Traffic Summary:
- A traffic study was prepared in October 2010 by Charles Crevo of C3 Consulting.
- The proposed building is expected to generate nine trips at the afternoon peak hour (per ITE). With the existing building's three trips per afternoon peak hour, the whole property would produce twelve trips per afternoon peak hour.
- The traffic estimated to be generated by the proposed building will not appreciably affect traffic volumes and movements on State Road.
- Sight lines are adequate.
- The traffic study concluded that traffic operations, parking and safety issues are not of a magnitude that will cause unmanageable conditions.
- According to the MVC Affordable Housing Policy, the recommended monetary mitigation for a proposal of 5,655 s.f. is \$3,650. The Applicant is willing to restrict the residential units from being rented for a period of less than a month. The Applicant is considering renting or selling the residential units to year-round employees within the school system or Hospital, but has not made an affordable housing offer at this time.
- All five spaces will be sold as condominium units or rented. The basement will be used for storage with possibility to convert the space in the future.
- The Commission has not received any correspondence except from PAL and Mass Historic.
- The site plan was reviewed.

3.2 Applicant's Presentation

Joe Grillo presented the following.

- The main level is designated as retail or office space.
- The lower level space will not be completed at this time.
- They have pulled the building as forward as possible and maximized the parking.
- It is designed to fit the contours of the properties on either side.
- From the roadside it will be a two story building. On the backside from the parking area, it will be three stories, which will be mitigated by the trees.
- They designed the structure with the aid of Kent Healy, so they would build at the lowest level and not the recently filled area. They propose a monopour that is only 20-22 inches deep. It will lessen the impact of digging affecting the archeological site.
- The guest cottage shown on the site plan dated 1/5/10 is no longer part of the plan.

3.3 Commissioners' Questions

Katherine Newman asked if the digging that will be done will involve all necessary parties.

Joe Grillo confirmed that the Tribe will be there and they have sent this plan to the State.

Someone with archeological background will be monitoring the dig. They cannot do a paved area so it will have to be acceptable to the Tisbury Conservation Commission. They will stabilize the contour with the Edu Comp property, perhaps with a retaining wall to ensure there is no runoff. An example of the type of construction that will be done is similar to what was done for the Chamber of Commerce building. An illustration of the size and scale from Veterans Park is in the packet of information.

Tim Carroll asked if the access for parking is from the back of the building. **Joe Grillo** said it was and they have an egress agreement with Edu Comp. **Tim Carroll** asked why he was resistant to the access with the easement. **Joe Grillo** said it would eliminate two parking spaces and would also interfere with the location of the handicap parking. There is also an issue with a site condition that is visible on the site.

Fred Hancock asked about the traffic study and why retail would not generate a higher number of trips. **Joe Grillo** said the analysis was based on all of the uses presented. He is not proposing a restaurant.

Doug Sederholm asked if he could clarify the use of the lowest level. **Joe Grillo** said it would be storage and possible office space in the future. The second level would be retail and office space and the top level is for the apartments.

John Breckenridge asked about the stormwater and landscape plan approval. **Joe Grillo** said the stormwater plan had to go to the Tisbury Conservation Commission and he cannot go there without coming to the MVC first. The landscape plan will be submitted to the MVC as well. He noted that the species that are there now are prone to falling down in the wind.

John Breckenridge asked if the MVC has a narrative on the exterior materials. **Joe Grillo** said he will provide a specification sheet.

Doug Sederholm said Paul Foley made reference to the possibility of this being all rentals and condos and asked for clarification. **Joe Grillo** said the intent is to keep it in the family for a long time but it will be condos at some point in the future.

Leonard Jason asked what the construction date is. **Joe Grillo** said January 2013.

3.4 Public Testimony

Tim Dobel is a resident of Tisbury and a business and property owner. He has been running a business in downtown Tisbury for the last 30 years. He has seen it when it was a vital business area and when it was struggling. He is glad to see a renaissance in the area and this project will provide added momentum. It is exactly what the area needs to provide jobs and bring money into the downtown area. He cannot think of a better person to be doing such a project. As a neighbor he welcomes it and during these times we should encourage it.

Doug Sederholm, Public Hearing Officer closed the Public Hearing at 8:20 p.m. and left the public record open for offers until 5:00 p.m. November 26, 2012

Chris Murphy, Chairman, recessed the meeting at 8:20 p.m. and reconvened at 8:25 p.m.

Eric Hammarlund returned to the meeting.

4. DRI CHECKLIST REVIEW – CONTINUED PUBLIC HEARING.

Commissioners Present: J. Breckenridge, C. Brown, T. Carroll, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, K. Newman, C. Rose, D. Sederholm, L. Sibley, B. Smith, H. Stephenson.

Doug Sederholm, Public Hearing Officer, opened the Public Hearing at 8:25 p.m. This is a continued Public Hearing regarding the revision of the DRI Checklist. The Commission has received the following correspondence.

- The West Tisbury Planning Board wrote in support of the draft proposal as written.
- The Tisbury Planning Board expressed support for the proposed revisions, stating that "with respect to the increase in the square footage for commercial properties, it seems reasonable to increase the thresholds from 2000 sq ft to 3000 sq ft. By the same token, it would be unwise to eliminate the criteria altogether as has been suggested, given the MV Commission is responsible for addressing a number of interrelated issues such as traffic impacts, water quality and others that the towns may not have the ability to manage. It is therefore important that the MV Commission retain its authority to review these issues."
- Peter Temple of the Aquinnah Planning Board sent an email saying he feels the proposal is good and making a number of specific suggestions for clarifications.
- The assistant to the Edgartown Planning Board noted that the Planning Board has met with members of the Oak Bluffs Planning Board and Christina Brown and are requesting another extension if the members of Edgartown are unable to attend the public hearing. He intends to close the oral part of the public hearing tonight, but expects to leave the written record open for another week to allow for additional comment.

4.1 Testimony from Public Officials

Mark Wallace of the Oak Bluffs Planning Board said the board met at 5:00 p.m. today and asks the MVC to keep the record open so they can send the MVC a letter from their Chairman. They will have another discussion and will draft their concerns. The concerns of the towns of Oak Bluffs and Edgartown versus the accolades from the other towns, is that "one size fits all" does not fit all towns and their need are not the same.

Michael Donaroma, an Edgartown Selectman, said he would like the Commission to consider relaxing the DRI Checklist in the B1 and B2 areas. He feels it is be restrictive for some entrepreneurs who are trying to do something small. Their planning board feels it can handle a lot. Their town voted for their plans and they have a harbor plan. They feel they have some things in place that other towns don't, and have B1 and B2 covered. They can cover traffic and have smart planning. They would like more time to review.

4.2 Public Testimony

Michael Wallace said he thinks there are opportunities to relax the DRI Checklist. A lot of people feel it is restrictive. There are many items that may not be regional such as a recharging station. He would like more time to review.

Mark Wallace said the planning boards and people in general can use the MVC's help in a lot of cases but when referred they feel the MVC becomes too involved. They are trying to obtain a copy of Cape Cod's checklist. The MVC asks for the offers but he never feels like he is actually offering something. Saying that a 3000 sq. ft. development in a commercial district in itself is a regional development is broad in of itself. His experience at the Commission was relatively pleasant even though it cost him a lot of money and time, but a lot of what was discussed was not necessary. He had the resources but when do you lose your right and what rights do you have to

fight for your projects. People question how items in the Checklist may have a regional impact, as an example 3.34 regarding Other Commercial and Industrial Facilities.

Holly Stephenson said she is confused by members of the Oak Bluffs Planning Board saying they have a lot of ways of dealing with applications. Planning boards may not have the power to review projects, but the MVC does have that authority. The fact that Planning Boards can refer projects as discretionary it is helpful to them.

Michael Wallace said there are things that would help them on this Checklist; however, many things seem to appear without reason. The Commission should provide its reasoning as to why items are regional. He understands that item 3.3.4g regarding formula retail is there to deal with proposals such as McDonalds and Burger King, but what about Ace Hardware, Citgo, etc. Is it regional that supermarkets and gas stations use a national logo?

Robert Smith said that he agrees with Mike. As he read through this list there are a number of categories widely open for interpretation by the Commission.

Ted Rosbeck said when it is related to zoning items, why can't the towns just do that themselves.

Joseph Chapman said they are a little afraid of some of the restrictions that may be made on the sizes of houses on the Island. The towns have the ability to make these decisions. Everyone is different. Section 8.9 refers to this. Does the Commission have the ability to regulate the size of homes? **Doug Sederholm** noted that the MVC heard all of the comments and did not put in a trigger for large houses.

Joseph Chapman said that the proposal related to Community Character can be construed in many different ways. **Doug Sederholm** said that this item dealing with new buildings that are significantly larger than the neighborhood average was included for discussion purposes.

Mark Wallace said he lives in the neighborhood of the garage project on the North Bluffs that the MVC reviewed. The Town made a mistake with the town employees regarding that project. They could have done it themselves, but by using the MVC it helped them to get what they wanted without any money. The Town didn't want to deal with it. There was a lot of politics with it. When the politics go awry it gets messy. The Town got it fixed for free.

Linda Sibley noted that with the Mullen Way project in Edgartown, there was a lot of testimony about protecting the character of the neighborhood, and ensuring that new development was in scale with the neighborhood. **Robert Smith** asked how that is a regional impact. **Linda Sibley** said that the core of the economy is tourism. If visitors decide that this is an ugly place, it will also affect the whole economy including the building trades. A lot of people showed up to say that the development would destroy the character of the neighborhood and that this was a regional issue.

Norman Rankow, a member of the Edgartown Planning Board for ten years, said that the planning board does a lot of planning, as the MVC does. Maybe the debate needs to be continued for a while. This is a changing Island and what is the best way to manage that change. We restrict our subdivisions and have affordable housing, but we don't support when someone wants to build their castle. How do we best manage development? Regulations about not ruining the character are too open and not American in his mind.

Chris Murphy stated that revising the DRI Checklist is something the Commission does on a regular basis. The Commission thinks it will take a few months and it takes a few years; almost as soon as it is completed, the Commission has to start again. The Commission wants people's feedback to do its job better, but the Commissioners are not here to debate with members of the public. **Doug Sederholm** noted that the MVC is mandated by the Commonwealth to review the Checklist every two years and it is then be reviewed by the state.

Mark Wallace said that if he had not come here a few weeks ago, it would already have been approved and gone to the state. **Joseph Chapman** asked whether it is always approved by the state. **Doug Sederholm** said that it generally is, but last time, the Checklist added an item regarding wind turbines and the Secretary of Energy and Environmental Affairs suggested that the Commission wait until there were clearer criteria for evaluating projects. So the Commission took it out then, prepared the Wind Energy Plan, and has put it in this Checklist revision.

There was a discussion about the possible threshold 8.9 about community character.

- **Peter Rosbeck** is concerned about a threshold regarding neighborhood character. The possible threshold refers to the relative size of the homes but there might be other characteristics of the neighborhood that were not brought up. He noted that Mark London said last week that not having many of the members of the public at the last hearing was a positive sign that people were in agreement, but that was due to the storm and they are here now. **Doug Sederholm** clarified that what Mark London had said was that he was hopeful it was a positive sign.
- **Linda Sibley** clarified that she is not advocating for including the item about community character, which might be better called neighborhood characteristics; she is just reporting what the public brought forward with respect to Mullen Way. **Peter Rosbeck** said that Mullen Way is a small street and adding the number of homes that were proposed would change the street. **Doug Sederholm** confirmed that is what Linda was trying to say.
- **Doug Sederholm** noted that the possible trigger about community character in 8.9 merely identifies what might be referred to the Commission if it meets a certain formula, and the Commission needs to consider how it might work. The Commission would have to concur with the referral saying that the application has sufficient regional impact and that therefore, the Commission needs to review it.
- **Michael Donaroma** said that he sees a passionate group here tonight saying to take 8.9 out of the Checklist. When people come in concerned about their neighborhood the MVC listened, reviewed it and it was resolved. Section 8.9 makes people nervous and should perhaps be taken out.
- **Joseph Chapman** asked how do you judge character and how do you enforce it.
- **Christina Brown** said it is difficult.
- **Katherine Newman** noted that the next item on the agenda, the Site Design and Landscape Policy is in process and is an example of how the Commission is trying to deal with this. The suggestion of reviewing character is similar to a job description; if everyone is doing their job right it isn't an issue, but when it they aren't, you need a way to resolve the issue.
- **Joseph Chapman** said that character changes constantly.
- **Holly Stephenson** said that the process could involve incorporating types of housing and heights into zoning, but also working with the planning boards to define

neighborhoods, to look at what exists there and quantifying it, and to ensure that nothing comes in to destroy it. Things do change.

- **Doug Sederholm** said that the only metric that is suggested in 9.9 is density.
- **Mark London** questioned being dismissive of preserving neighborhoods character as merely subjective. It has been done successfully all across the country. If an area is very cohesive, this involves ensuring that setbacks, heights, massing, etc. harmonize. Some planning boards on the Vineyard are quite interested in working with the MVC to identify neighborhoods and their defining characteristics as guidelines to preserve character.
- **Doug Sederholm** noted that it is very clear that members of the building trade are very concerned about section 8.9 and the Commission will consider that.
- **Peter Rosbeck** said he thinks character is already defined by zoning so what else could the MVC offer to define character?
- **Robert Smith** asked what if you have a neighborhood that has 5000 sq ft houses and someone wants to build an 800 sq. ft. house, wouldn't that also be out of scale? Isn't that about size and how it affects character?
- **Michael Donaroma** said that what he heard Mark London say scares him and to ask his town to accept that is not reasonable. The MVC talks about things then act upon them. It should just be taken out, it is too scary. We have DCPCs and historic districts.
- **Mark Wallace** said that this is a great discussion tonight and we need to be able to keep it going. It is hard to define something so subjective.

Mike Wallace reiterated his request that the MVC define the reasons why items are on the Checklist so people can see why they are regional versus local.

Brian Smith noted that the proposal is to raise the threshold for commercial buildings to 3000 sq. ft. and **Mark Wallace** is unhappy about that. What size would be acceptable to him? Doesn't having a proposal reviewed by a body such as like this defuse local politics? **Mark Wallace** said that he complimented Christina Brown the other night saying that that the MVC does defuse politics. No matter what the number is, is it a matter of is it a regional impact?

Linda Sibley questioned whether towns can address the commercial development that is covered in section 3.2 [Commercial, Storage, Office, Industrial Developments in Commercial and Industrial Districts with MVC – Approved Development Plans] whether 3.2 can be extended to all the towns? This is a positive change. She felt that section 8.9 is badly written. Very rarely does the Commission say no, and many applicants have said that their project is a much better project because of the MVC review.

Leonard Jason noted that when the MVC was created, some of the towns didn't even have a planning board. It started with a four page DRI Checklist and now there are 22 pages. The MVC is trying to loosen things up. It has to be conscious about everyone earning a living.

Joseph Chapman said there is a lot of economy developed from the building trade and not tourism. **Doug Sederholm** reiterated that without tourism the building trades wouldn't be as significant as they are. **Robert Smith** said he does agree that they go hand in hand and that one cannot survive without the other. The Commission is making it harder to do certain things for people who want to come here.

Mark Wallace said that he has lived here for thirty years and economics have changed. The locals greatly support the economy now versus thirty years ago.

Michael Wallace said that the Checklist addresses local issues and regional issues but a lot of the regional issues are not addressed such as public access to beaches and the Nature Conservancy properties.

Michael Donaroma noted that "once a DRI always a DRI" was changed previously. He questioned the statement about projects not needing a permit having to come to the MVC. **Mark London** said that this referred to modifications to previous DRI's involving a change to the project description or conditions of an approved DRI, whether or not those changes need a permit on their own.

Michael Donaroma asked whether suggested threshold 2.6 dealing with "Approval Not Required – Form A" subdivisions isn't a reach. **Chris Murphy** said that Form A subdivisions are outside planning board jurisdiction and can have a major impact on the Island as a whole.

Michael Donaroma said it could be put it into a DCPC so it is not so broad. **Christina Brown** said the MVC can put conditions on a Form A, but planning boards cannot.

Michael Wallace asked whether, when a proposal comes before the board as a DRI, would the MVC entertain that only the regional impacts be discussed and conditioned. Limiting to things that are actually regional impacts would streamline the process.

Ted Rosbeck asked where the change in threshold 2.6 from ten to six came from. **Leonard Jason** said that in 1981, Chilmark had a six lot subdivision in the middle of a wetland and that is how it got into the Checklist.

Joseph Chapman said Chilmark came up with three-acre zoning and what that did was make the prices of property go up. No one today can afford to buy in Chilmark because it is so exclusive. It let the rich people come in and build. We thought we did a good thing but what has it done?

Mark Wallace said in twenty years none of us will be able to afford to live here.

Peter Rosbeck asked why there is a rush to close the public discussion tonight. There is a good discussion going on about defining things such as character.

Ted Rosbeck said that he thinks we need to define character. **Christina Brown** said that it would be useful to continue this discussion about how the MVC and the community define character, and perhaps the threshold about community character should be removed for now.

Brian Smith noted that these meetings started two years ago. Everything in the Checklist has been discussed for two years.

Doug Sederholm said that if people have something to say, they should say it now or put it in writing.

Michael Donaroma said that at a planning board meeting years ago neighbors were in an uproar over a Form A. The board finally said what do you want and they said they wanted it to be the way it was 25 years ago. The board asked whether that meant that everyone who wasn't here 25 years ago should leave. Everything changes and we need to plan properly. **Doug Sederholm** said that is why the MVC reviews the Checklist every two years.

Doug Sederholm, closed the Public Hearing at 9:55 p.m. and kept the written record open until 5:00 pm, November 30, 2012.

5. ALLEN FARM ESTATE PLAN – CHILMARK (DRI 121-M) WRITTEN DECISION

Commissioners Present: J. Breckenridge, C. Brown, T. Carroll, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, K. Newman, C. Rose, D. Sederholm, L. Sibley, B. Smith, H. Stephenson.

Doug Sederholm moved and it was duly seconded to approve the written decision.

- **John Breckenridge** said that in condition 1.2 on page 7, in the last bullet, the word "address" should be removed.
- **Erik Hammarlund** said he thought that they had specifically approved Lot 13 and asked where it was in the decision. **Fred Hancock** said it was on page 3 line 99. **Erik Hammarlund** said that is the finding and said it should be part of the decision.
- **Chris Murphy** asked if you had any changes that you give them to staff.

Doug Sederholm moved and it was duly seconded to extend the meeting for five minutes. Voice vote. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.

- **Mark London** said that the decision should more clearly state that the approval of lot 13 a separate item. There were two separate votes. **Christina Brown** agreed that there was a separate point of modifying the old subdivision plan. **Erik Hammarlund** suggested adding a bullet that Lot 13 is a modification.

Erik Hammarlund moved and it was duly seconded to authorize the Chair to make revisions to the written decision to specifically approve the existing subdivision as a modification to the old DRI.

- **James Joyce** said he does not understand part B on page 6 and that he did not remember anything about the building envelope. **Chris Murphy** said that was part of the latest plan.
- **Brian Smith** noted that on page 5 line 67 the property is in Chilmark and not West Tisbury.
- **Leonard Jason**, referring to line 247 on page 7, said he did not remember the bullet regarding minimizing the visual impact and the clustering of development. **John Breckenridge** showed where it was in the original offers.

Linda Sibley moved and it was duly seconded to suspend the rules and extend the meeting for five minutes. Voice vote. In favor: 12. Opposed: 2. Abstentions: 0. The motion passed.

Voice vote on the motion made by Erik Hammarlund to include the approval of the existing subdivision as a separate item. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.

Roll call vote on the motion made by Doug Sederholm to approve the written decision as amended. In favor: J. Breckenridge, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, K. Newman, C. Rose, D. Sederholm, L. Sibley, B. Smith, H.

Stephenson. Opposed: none. Abstentions: C. Brown, T. Carroll. The motion passed.

6. NEW BUSINESS

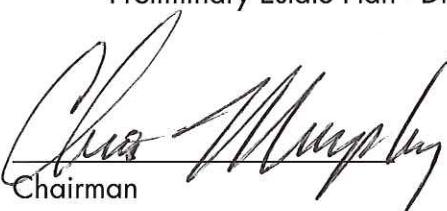
Commissioners Present: J. Breckenridge, C. Brown, T. Carroll, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, K. Newman, C. Rose, D. Sederholm, L. Sibley, B. Smith, H. Stephenson.

Chris Murphy appointed a committee to nominate officers for the positions of Chairman, Vice Chairman and Clerk-Treasurer made up of Kathy Newman, Lenny Jason, Erik Hammarlund, Doug Sederholm, Christina Brown, Fred J. Hancock, and Ned Orleans.

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

DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, Held on November 1, 2012
- DRI 49-M3 MV Arena Cell Tower – Modification Request, LUPC Notes Meeting November 5, 2012, DRI 49-M2 Decision Conditions, Plans and Elevations
- Martha's Vineyard Commission – DRI #622 Grillo/10 State Road – MVC Staff Report – 2012-11-15, Correspondence from PAL Dated September 2010, Foundation Plan, Plans and Elevations
- Martha's Vineyard Commission Memo to Town Boards, DRI Checklist – Draft of Proposed Revisions Dated October 26, 2012; Correspondence from the West Tisbury, Tisbury and Edgartown Planning Boards
- Martha's Vineyard Commission DRI Checklist Standards and Criteria – Version 12- Draft Revision – October 26, 2012
- Decision of the Martha's Vineyard Commission – DRI 121-m – Allen Farm Form B Preliminary Estate Plan - Draft



Chairman

12/6/12
Date



Clerk-Treasurer

12-6-12
Date