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**Minutes of the Commission Meeting  
Held on August 9, 2007  
In the Stone Building  
33 New York Avenue, Oak Bluffs, MA**

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**IN ATTENDANCE**

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

P James Athearn (E – Edgartown)	P Ned Orleans (A – Tisbury)
P John Breckenridge (A – Oak Bluffs)	- Jim Powell (A – West Tisbury)
P Christina Brown (E – Edgartown)	P Doug Sederholm (E – Chilmark)
P Peter Cabana (A – Tisbury)	- Susan Shea (A – Aquinnah)
P Martin Crane (A – Governor Appointee)	P Linda Sibley (E – West Tisbury)
P Mimi Davisson (E – Oak Bluffs)	- Paul Strauss (County Comm. Rep.)
- Mark Morris (A – Edgartown)	- Richard Toole (E – Oak Bluffs)
P Chris Murphy (A – Chilmark)	P Andrew Woodruff (E – West Tisbury)
P Katherine Newman (A – Aquinnah)	

Staff: Mark London (Executive Director), Paul Foley (DRI Coordinator), Jim Miller (Traffic Analyst), Jo-Ann Taylor (DCPC Coordinator), Bill Wilcox (Water Resource Planner)

The meeting was called to order at 7:43 p.m.

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**1. STONE BUILDING RENOVATIONS**

Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Crane, M. Davisson, C. Murphy, K. Newman, N. Orleans, D. Sederholm, L. Sibley, A. Woodruff

**Christina Brown moved, and it was duly seconded, to refinance the Commission's mortgage of \$417,690.62 by borrowing a sum of \$540,000 balance for 20 years with an adjustable rate mortgage fixed at 6.5% for 5 years and authorize Doug Sederholm as chairman of the Commission to sign any and all documents on behalf of the Commission to effect such refinancing.**

- **Mark London** noted that Commissioners had previously approved the repair and borrowing; this is to specify the details. The refinanced mortgage payment is virtually the same because of the lower interest rate.
- **Chris Murphy** said he's concerned about an adjustable rate mortgage.
- **Doug Sederholm** said he has to assume that Jeff Wooden has worked out the best financing possible.
- **Doug Sederholm** said they had discussed the renovations and costs, and the Commission approved proceeding with the renovation.

**A voice vote was taken. In favor: 10. Oppose: 0. Abstentions: 2. The motion passed.**

## **2. YMCA: DRI NO. 600 – PUBLIC HEARING (CONT.)**

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*Commissioners present: J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C. Murphy, K. Newman, N. Orleans, D. Sederholm, L. Sibley*

*For the applicant: John Clese, YMCA Executive Director; Judy Crawford, Vice President YMCA Board of Trustees; Stephanie Mashek, Architect; Ken McLean, Architect.*

**Christina Brown** reopened the public hearing.

**Doug Sederholm** stated that it has come to his attention that his wife is part of the advisory board of the 21<sup>st</sup> Century After-School Program and she runs a non-YMCA school sponsored after-school program.

- The Y contributes \$1 per week per child for snacks for her program.
- Any decision that the Commission makes would not affect his wife's program or the Y's after-school program. Neither he nor his wife have a financial interest in the outcome of the DRI.
- He has filed the appropriate paper work with Chilmark, Oak Bluffs and the Commission.

### **2.1 Applicant's Presentation**

#### **Natural Heritage**

**Judy Crawford** reported that the YMCA has reached a solution with Natural Heritage and they are submitting a slightly amended plan.

- There are four moths, two endangered and two threatened, which need a certain amount of habitat to survive.
- The Y has a couple of areas in the five-acre parcel that are isolated and weren't being counted as part of open space.
- To meet Natural Heritage's open space requirement and the habitat needs of the moths, the Y is opening a corridor between the isolated spots, making adjustments to phase two plans and removing 16 proposed parking spaces, reducing their total number of new parking spaces to 57.
- Eve Schlutter from Natural Heritage wrote a letter stating that, provided that the above listed conditions are met and the relevant details are adequately addressed, Natural Heritage anticipates that they will be able to issue a "no take" finding.
- The Y also agreed to no future expansion across the back of their lease lot and is finalizing the language for a Conservation Restriction.
- The Y also needs a letter from the school system acknowledging and accepting the fact that Natural Heritage is looking at the whole 25 acres and will consider this a developed area within the framework of the whole lot. If the school plans to build on other areas within the 25-acre lot there may be issues and or restrictions related to Natural Heritage.
- Natural Heritage will issue final approval after receiving the two letters, probably at the beginning of September.
- Amy Tierney from the High School, representing Dr. Weiss, who is on vacation, agreed to Natural Heritage's concepts, including Natural Heritage's requirement that it consider the 25 acres of the 'campus' as a whole.



## **Wastewater**

**Judy Crawford** explained that the Y has a letter of support from the Wastewater Commissioners. They approved the High School's plan to send wastewater to the treatment plant and back, and separately approved the Y's tying into the High School's Plan. The Y has also submitted a letter from the Oak Bluffs Conservation Commission supporting the wastewater solution.

**Bill Wilcox** explained that initially, the net reduction to the watershed would be limited. 5,000 to 6,000 gallons a day of wastewater will be going to treatment, with 14,000 to 15,000 additional gallons a day coming back to the watershed which will offset the savings. The savings could come later if there were tie-ins of other properties in the watershed.

**Joe Alosso** explained the agreement with the Wastewater Commission.

- The agreement was to accept approximately 5,800 gallons per day from the High School and the High School has agreed to accept up to 20,000 gallons per day to be leached at the High School.
- Of the 20,000 gallons capacity, the Wastewater Commission has agreed to allocate the YMCA's flow of 1200 gallons per day to that return flow capacity.
- Anyone else wanting to tie in would have to receive approval from the Wastewater Commission and the School Committee and their amount would come off of the capacity less the High School and YMCA.
- The piping will run from the High School track to Edgartown-Vineyard Haven Road to County Road to the Treatment Facility and back.
- The Wastewater Commission did not want to run the pipes along Barnes Road because they are concerned about allowing anyone on Barnes Road to tie in and want to continue to use Title 5 as the limiting factor on Lagoon Pond on construction of large homes.
- Community Services and/or Woodside Village, both of which are in the Lagoon Pond Watershed, could tie in to the High School system either by gravity or a pump system.
- The Resident Homesite site could tie in, as well.
- The only request thus far that has been before the Wastewater Commission is from the YMCA.

**John Breckenridge** expressed concern about adding nitrogen back into a compromised watershed.

**Joe Alosso** said he sees the High School and Y's issues as separate.

- The High School has to solve its own problem and, in doing so, gives Oak Bluffs the ability to treat additional wastewater, including the YMCA's.
- There isn't a 40% nitrogen reduction because Oak Bluffs voted down developing a package treatment plant, but there is an initial reduction.
- Other entities that can reach the pump station at the end of Sanderson Road could possibly tie in.

**Mimi Davisson** asked whether adding the High School will affect the treatment plant's twenty year life expectancy projection.

**Joe Alosso discussed** the treatment plant's capacity.

- The plant is sized for Title 5 specifications, which are very conservative.
- They are at about 2/3 of their flow capacity now.
- The Hospital expansion will add year round flow. The High School will add flow in the off-season and in summer there will be about 1000 gallons per day. Y wastewater will probably be seasonal as well. The hospital is running 12 – 15,000 gallons per day.
- The Wastewater Commission has held public meetings, but not public hearings.
- The School Committee has had public meetings on the topic.

### **Bioretention Swales**

**Ken MacLean** reported that they have done the engineering work, reviewed the Hospital plans, and have adopted best practices. They have contacted Horsley Witten for a proposal; however, the Y feels that, having done its due diligence and its work with the Commission, the additional expense would not be a wise investment.

**Judy Crawford** explained that they can still slope the land at the building and that creating the corridor doesn't affect the swale. **Stephanie Mashek** said the swale was part of the parking plan and they may not need the swale because the parking was removed.

### **Geothermal**

**Ken MacLean** reported that a 5-page study of August 6 shows that the payback for a geothermal system for this building does not appear to be advantageous.

- Questions about the study will be forwarded to the engineer.
- They would welcome independent analysis of their engineering study but they hope that a detailed debate on the engineering consumption sheets do not occupy time at this meeting and don't affect approval of the project. However, they welcome input.

Commissioners recessed the public hearing to hear another issue.

## **3. ISLAND ROADS DCPC – EXPANSION AMENDMENT**

*Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C. Murphy, K. Newman, N. Orleans, D. Sederholm, L. Sibley, A. Woodruff*

**Doug Sederholm** explained that the amendment from the Edgartown Planning Board proposes to expand the Island Roads DCPC by adding five Special Ways in Edgartown.

- The question before Commissioners is whether the Commission will consider the proposal, not whether it will accept or reject the nomination.
- The question is whether there is sufficient merit on the face of the nomination to hold a public hearing.
- The immediate result would be a development moratorium in the proposed area, namely 20 feet on either side of the centerline of each road.

**Doug Sederholm** disclosed that from time to time he represents the Refuse Disposal and Resource Recovery District, which is an abutter to Watcha Path, and he has filed the appropriate written disclosures.

- It is considered a municipal entity so doesn't have the same conflict issues as a private client.



- The District will not participate in the hearing and doesn't take a position on adding Watcha Path.

**Doug Sederholm** disclosed that Robert Green, an abutter of Watcha Path, has been a client but he doesn't represent Mr. Green in relation to Watcha Path.

**Roger Becker**, Edgartown Planning Board, explained that it had a public hearing on adding the five ways to the Special Ways By-Law.

- The Planning Board voted to send the amendment to the Commission. One Board member had some concern that some parts of the ways may have trouble fitting into the by-law.
- A committee was formed to review the proposal. Some of the parts of the ways are actually roads and used every day.
- At the request of the Selectmen and urging of abutters the Planning Board again voted to send the amendment to the Commission for review.

**Jo-Ann Taylor** summarized the proposal.

- This is a boundary amendment. There is already an Island Roads District with a Special Ways Zone. This is treated as a new nomination in accordance with Chapter 831 regulations. The Commission is being asked to accept the nomination for consideration.
- The Commission has 45 days from August 2<sup>nd</sup> to vote on accepting or rejecting the nomination.
- Voting to accept the nomination for consideration does not make the designation. Accepting the nomination starts a development moratorium so the Town can't issue development permits in the area.
- Within 60 days of an acceptance, a public hearing must be held and a designation vote has to be taken, the designation vote being based on the criteria.
- The vote on acceptance of the nomination doesn't require in-depth analysis. The decision is whether the Planning Board has made a good enough case for the Commission to consider the nomination.
- She confirmed that what's being proposed is twenty feet on either side of the centerline of each of the roads.

**Christina Brown** clarified that if the Commission accepts the nomination and further accepts the designation, then the Town's work of developing regulations, based on guidelines provided by the Commission, begins.

**Jo-Ann Taylor** explained that this District already has regulations. If the Commission were to make the designation, the regulations wouldn't apply until the boundary amendment was approved at Town Meeting, leaving the Town a chance to come back to propose changes to the regulations.

**Doug Sederholm** said the Commission wouldn't be prohibited from adding guidelines.

**Jo-Ann Taylor** said that the Planning Board might believe that some of the guidelines don't suit their needs for some of these particular ways. If they want to change anything they'd have to have guidelines amended through the Commission.

**Linda Sibley** asked about revising guidelines. **Jo-Ann Taylor** said she thought that the Planning Board would probably want to revise regulations/guidelines after the designation has been made.

**Mike Donaroma**, representing the Selectmen, said the paths are complicated. There's been a lot of correspondence and comments from abutters and citizens.

- The Committee has worked very hard at maintaining and policing the paths.
- He feels that there's an urgency to protecting the paths from clearcutting and devegetation.

**Ben Hall**, representing family members who own the most land around the nominated areas, has concerns about the nomination.

- He suggested the Commission look at the roads and the specific lengths of the roads that are being nominated. There are maps floating around that are not true to the description of where the District begins and ends.
- He questioned the difference of what's described on paper and what's on the map. He suggested that Commissioners need to carefully scrutinize on an assessor's map what's being described. In addition, the location of the paths changes over time as traffic adjusts to problems in the path.

**Doug Sederholm** said the nomination papers are what will be addressed, both the written description and the map; the actual bounds will be determined in the course of the public hearing. **Ben Hall** said that accepting the nomination imposes a moratorium. **Doug Sederholm** said that the written description determines the area of the final designation.

**Ben Hall** added that he feels that there has been a rush to judgment under the designation criteria; special ways district is supposed to be a cultural or historic district under the criteria and these ways don't match the criteria. **Doug Sederholm** said the nomination would be accepted under the designation proposed in the nomination.

**Robert Green**, By-ways Committee member, said they have maps. They are trying to protect the ways, not isolate them.

**Jo-Ann Taylor** clarified that the Commission has 45 days from the date of submission to vote on the request for nomination. If the Commission accepts the nomination, it has 60 days to hold the public hearing and make a decision.

**Christina Brown moved, and it was duly seconded, to accept the nomination to expand the Island Roads District as proposed by the Edgartown Planning Board. By accepting the nomination for consideration, the Commission would commit to holding a public hearing on the merits, finding that the Planning Board has presented sufficient facts to suggest that the proposed ways may be in need of special protection and that the boundary amendment should be further considered for possible designation . In favor: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Crane, M. Davisson, C. Murphy, K. Newman, N. Orleans, D. Sederholm, L. Sibley, A. Woodruff. Opposed: None. Abstentions: None. The motion passed.**

**Ben Hall** noted that there is a building moratorium until the vote of the town.



#### **4. YMCA: DRI NO. 600 – PUBLIC HEARING (CONT.)**

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*Commissioners present: J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C. Murphy, K. Newman, N. Orleans, D. Sederholm, L. Sibley*

*For the applicant: John Clese, YMCA Executive Director; Judy Crawford, Vice President YMCA Board of Trustees; Stephanie Mashek, Architect; Ken McLean, Architect*

##### **4.1 Public Water Supply**

**Bill Wilcox** said that there are no infrastructure or aquifer problems in supplying the amount of water the Y requires.

**Christina Brown** asked whether the Water Commissioners feel that there is adequate water.

**Deacon Perotta** said he feels professionally that there is plenty of water and storage isn't an issue. The only issue is permitting and those are being dealt with on the State level.

##### **4.2 Wastewater & Stormwater**

**Bill Wilcox** said that the Y doesn't feel that they need an engineering consultation on bioretention. He suggests that the engineer should consider using a bio-retention basin instead of a bio-swale in the area of open space between the Arena parking and the proposed shared parking.

**Bill Wilcox** said, regarding wastewater, that the best way to resolve apportionment of cost of the wastewater treatment project is to develop wastewater flow figures so the apportionment is accurate. The YMCA will end up with a written agreement with the High School. The Y has made a monetary offer to the Commission but negotiations with the High School will determine the exact amount.

**Christina Brown** suggested that, before the close of the written record, the YMCA might be revising their offer, after they've made more final agreements with the High School.

There was a discussion of the impact on nitrogen loading.

- **Doug Sederholm** said the High School is providing 141.8 kgs of wastewater. With the proposed solution, the wastewater will be 137.7 kgs per year but there will be additional nitrogen from stormwater because there's 1.5 acres of impervious surface on the Y site.
- **Bill Wilcox** said he doesn't know what portion of the estimated new nitrogen (105 kgs of nitrogen) might be from sewer projects that may end up being in the Lagoon watershed or in other compromised watersheds. The benefit may be to the Lagoon, Farm Pond or Oak Bluffs Harbor.
- **Doug Sederholm** said that the proposal is no worse than the current situation.
- **Bill Wilcox** concurred and pointed out there is potential for significant nitrogen reduction if other nearby properties are tied in..

**Bill Wilcox** described the stormwater run off.

- A bioretention area is where stormwater will be received, infiltrated and treated by vegetation.
- Bioswales offer partial treatment by filtering out silt, oil, metals and phosphorus but don't treat nitrogen as effectively as bioretention areas because they move run off to a pipe that carries it to a leaching area.
- All catchbasin systems will have bioswale run off go through a Vortechs type treatment (Downstream Defender) that will take out any remaining petroleum hydro-carbons.

**Judith Crawford** said the Y could commit to doing bio-retention basin instead of bio-swales if it's okay with engineers and Natural Heritage.

**John Breckenridge** asked about maintenance requirements and plan. **Bill Wilcox** said that bioswales would require silt removal; it's not uncommon for the Commission to condition that a maintenance plan be provided.

#### **4.3 Public Comment**

There was a discussion of the cost of the wastewater system to Oak Bluffs.

- **Russell Wendt** asked if there would be any impact on the Oak Bluffs taxpayer for the wastewater plan.
- **Joe Alosso** said that the only cost to the Department will be electrical costs for the pump which is recovered in user fees. The percentage of the high school user fee, a total of \$35-40,000 paid by Oak Bluffs will go to tax payer.
- **Doug Sederholm** pointed out that a positive impact is the additional leaching field capacity for the Town.

**Paul Pimentel**, Island Plan Energy and Waste Committee, said he is anxious to see that ground source heat pumps get a fair shake. The savings are probably higher than anticipated.

- Fuel prices would be higher than in the analysis and maintenance costs would be lower.
- He said there's a possibility that the \$250,000 incremental cost is high.
- He is offering to work closely with the Y to help them base their decision on full information.

**Peter Cabana** commented on the geothermal study.

- It doesn't seem to address water heating. The engineer showed a 65% decrease in heating energy and 35% decrease in cooling energy. He doesn't see that the engineer has addressed a decrease in water heating costs for showers and pools, but he anticipates a 50% decrease. A decrease in pool heating should be addressed.
- The cost of fuel in the analysis is \$2.20; a more realistic number is \$3.20.
- The first year and final year utility costs are identical. Oil isn't going to be as cheap as it is now.
- The engineer's conclusion appears to be that geothermal is not cost effective at this time, but adding water analysis, oil price and escalation of energy might influence the cost analysis.

**Linda Sibley** suggested leaving the written record open on this one issue, allowing LUPC to work on other aspects of the project. Her point in keeping the written record open on



geothermal, is that the Y could be convinced that geothermal is doable or not, and the Commission could get its last bit of information.

**Ken MacLean** said they could respond very quickly to questions that are e-mailed.

**Ned Orleans** said that he doesn't feel that questions are the problem; assumptions are what need to be pursued.

**Ken MacLean** said he thought the charge was to analyze the payback of geothermal. A Commissioner had suggested the payback could be 4 years whereas the engineers suggested the payback is 45 years. He's not convinced that changing the fuel price and adding water heating is going to bring numbers closer.

**Peter Cabana** said he's suggesting that a significant scope of work is being left out.

**Doug Sederholm moved, it was duly seconded, and Commissioners unanimously voted, that any Commissioner or member of the public having an issue or concern about an assumption in the study, communicate them to staff by Monday, August 13, and staff will forward them to the Y.**

**Jim Miller** reported that no real issues related to traffic were raised at the Oak Bluffs Traffic and Parking Committee meeting.

**Christina Brown** closed the public hearing and kept the written record open for ten days for the sole purpose of evaluation of the possibility of geothermal.

**Kathy Newman** said the collaboration with the Y representatives has been terrific.

LUPC will meet Monday, August 13<sup>th</sup> from 5:30 p.m. to 7:00 p.m., and on August 20<sup>th</sup>.

## 5. OTHER

On August 22<sup>nd</sup>, the Island Plan Forum on Development and Growth will be held at the Ag Hall at 7:30.

The meeting adjourned at 10:00 p.m.

  
Chairman

  
Clerk-Treasurer

11-15-07  
Date

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