



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, 2007 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

### IN ATTENDANCE

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

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|---|--------------------------------------|
| P James Athearn (E – Edgartown)         | P Ned Orleans (A – Tisbury)          |
| P John Breckenridge (A – Oak Bluffs)    | P Jim Powell (A – West Tisbury)      |
| P Christina Brown (E - Edgartown)       | P Doug Sederholm (E – Chilmark)      |
| P Peter Cabana (A – Tisbury)            | P Susan Shea (A – Aquinnah)          |
| - 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)           | P 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); Bill Wilcox (Water Resource Planner); Jim Miller (Transportation Planner); Christine Flynn.

The meeting was called to order at 7:45 p.m.

### 1. OFFICER NOMINATING COMMITTEE – PUBLIC HEARING

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

**Doug Sederholm** appointed a nominating committee to present a slate of officers: Jim Athearn, Richard Toole, Linda Sibley, Peter Cabana, Chris Murphy, Kathy Newman, and Paul Strauss. Jim Athearn will convene the committee.

**Christina Brown**, in the spirit of tradition and acknowledgement of staff's hard work, moved that the day after Thanksgiving should be a staff appreciation day, directing staff to stay home. Commissioners agreed unanimously.

### 2. WAMPANOAG TRIBE: DRI NO. 606 COMMITTEE – PUBLIC HEARING

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

For the applicant: Woody Vanderhoop, planner

**Christina Brown** opened the public hearing on the Wampanoag Tribe of Aquinnah's proposal to complete the Wampanoag Community Center. The project was referred to the Commission as a community building over 2,000 square feet serving the people of more than one town.

## **2.1 Staff Report**

**Paul Foley** gave the staff report.

- The project is on Community Center Road, off of Black Brook Road.
- The site is about 3 acres.
- Only the 1983 by-laws apply based on the Memorandum of Understanding between the Tribe and the Town.
- They've received special permits for exceeding 3,500 square feet on two acres and exceeding 28 feet in height.
- They need a building permit from the Tribe and the Town.
- They've filed a notice of intent with the Conservation Commission.
- The project has been considered for many years. The need for a community center was first identified in 1998 as part of the facilities plan. It's proposed as a gathering place for the Tribe and Town, and to preserve the culture of the Tribe.
- The Army Reserve constructed the structure in 2004. It's a prefab structural steel building.
- They hope to host functions such as weddings, powwows, youth basketball and day care.
- The project was referred by the building inspector.
- One regional issue is that the wastewater treatment facility that they'll connect to is in a nitrogen-sensitive area.
- There won't be any more clearing. Originally twenty to fifty oaks and birches were removed.
- The site is surrounded by wetlands. A little bit of wetland was filled in and replicated elsewhere.
- It is surrounded by habitat but it's not in Natural Heritage and Endangered Species (NHESP) habitat.
- The general plan is to add foundation planting and blueberry and beach plum. They'll plant grass in front of the building and use the lawn for overflow parking.
- There will be two downward-facing street lamps and some exterior building lights.
- It's in a depression and isolated so noise shouldn't be a problem.
- The building is designed to be passive solar with a cupola with opening windows It has radiant heating, and an emergency generator.
- The traffic is sparse. Trip generation estimates are for 60 trips a day, 18 at peak hour, and maybe at a weekend event 330 to 600 trips. Access is off of State Road.
- Thirteen parking spaces are proposed, two paved and marked for handicapped spaces.
- There are also thirtythree spaces at the Tribal Administration Building with plenty of room for overflow parking.
- Site distances are adequate at the intersections.
- The VTA has a stop at Community Center Road.
- The primary beneficiaries are the approximately one hundred residents of Tribal Housing. They hope to have an after-school program from 3:00 p.m. to 5:00 p.m.
- It is a large structure but tucked away.

- The peak of the cupola is 37 feet high, the main gable ridge of the building is about 32 feet high
- The building is a steel structure with a metal roof that looks like shingles.
- The building is constructed to ADA standards.

## **2.2 Water Report**

**Bill Wilcox** gave the water report.

- The project is in the Squibnocket Pond Watershed which is a compromised water body,
- The project meets basic nitrogen-reduction techniques.
- The wastewater will be treated at the Tribal Wastewater Treatment Plant which discharges to the ground and is required to reduce nitrogen to less than 10 parts per million.
- Stormwater runs into a Stormtreat system, which has about a 77% nitrogen removal rate.
- Fertilized landscaping is limited to 4,000 square feet and fertilizer should be slow-release water-insoluble nitrogen.

**Paul Foley** showed slides of the site and project.

## **2.3 Applicants' Presentation**

**Woody Vanderhoop** greeted the Commissioners in Wampanoag language and then presented information on the project and showed slides.

- The project is being built on tribal homelands in Aquinnah.
- The goal of the Community Center is that it be used by the Wampanoag Tribe and families, employees and residents of Aquinnah and the Island to foster a greater sense of community.
- The site is located on Tribal Trust Lands, close to thirty-three units of affordable housing. The project is sponsored by the Tribal government.
- The primary population served by the facility will be the people of the community. They see it as a central place for preserving Wampanoag Culture, which is constantly under stress.
- The site is over 1000 feet from non-tribal homes, about 700 feet from tribal housing, and 1000 feet from Moshup Trail. The site is not visible from Moshup's Trail or State Road.
- Excavation was done on land that had been already been disturbed over the last thirty years.
- He showed a site layout of the project. The closest wetland is 50 feet from the west side of the building. Black Brook is just over 100 feet from the northernmost point of the Community Center.
- The area had been surveyed by the Public Archaeological Lab (PAL), and no cultural resources were found at the site.
- He showed details of the Stormtreat system.
- For energy efficiency, the building will use radiant heating. The heating system is supplemented by a large air handler unit. The windows are placed high, allowing for cooling and solar exposure. Exterior walls have 6 ½" thick blanket insulation with an R 19 value. The foundation has R5 value rigid insulation. The roof has 8" foam to protect against heat loss.
- Cupola windows open as a natural venting system in the summer.

- The building has potential for air conditioning.
- The Tribe is trying to prepare the facility to receive Red Cross designation as an emergency shelter by installing an emergency generator among other things.
- The site area had been used as a staging area for construction of Black Brook Road and housing. They cleaned up the site and are making good use of the area.
- Ground lighting will be solar and there will be two or three street lamps.
- A Phase II is not part of the proposal.
- Proposed uses will be recreational uses such as basketball, membership meetings four times a year, pow-wows and socials, and dances put on by the youth group.

### **2.3 Commissioner Questions**

There was a discussion of stormwater treatment.

- **John Breckenridge** asked for more information about the Stormtreat system.
- **Bill Wilcox** explained the system.
  - The grit is filtered out and the stormwater flows into the root zone of the wetland plants in the system.
  - The nitrogen, phosphorus oil, and metals will begin to bond, and then be discharged into the ground and passed through vegetation through the wetlands.
  - The system does not include oil filters.
  - The sediment needs to be removed every three to five years. The rooting material is changed on a ten or fifteen year cycle.
- **John Breckenridge** suggested that operation and maintenance manuals could be integrated into the application related to future upkeep.
- **Peter Cabana** said he noticed that the Commission's policy is that stormwater be disbursed.
  - He's impressed that this is a treated stormwater system. It exceeds what the Commission normally requires.
  - He wondered if Bill Wilcox would like the Commission to learn more about the Stormtreat system for future applications at some point.
- **Bill Wilcox** agreed that the applicants are treating stormwater.
  - It would be good to get a recommendation from Bill Wilcox and refer future projects to the tribal planner for advice.
  - These systems are commonly used to pretreat stormwater before it is discharged into groundwater.
  - The Tribe also has a system that treats water from Squibnocket before discharging into Menemsha.

**Linda Sibley** wondered if the Tribe would be willing to offer that the lawn area be treated with slow release water insoluble nitrogen. **Woody Vanderhoop** said it would.

**Linda Sibley** said that solar-powered ground lighting doesn't seem to last; she also wondered if the Tribe would be willing to offer that street lights and building lights be turned off after the structure is closed, and if there is security lighting, it should be motion sensitive. **Woody**

**Vanderhoop** agreed that groundlighting language could be changed to *solar powered or low voltage ground lighting* and agreed with the other wording.

**Jim Athearn** said that community gardens would be a nice addition to a community center.

**Woody Vanderhoop** explained that a potential greenhouse has been batted around; there are two community gardens; gardens are a welcome use of space, particularly with the after-school program that would use the facility.

**Chris Murphy** asked about plans for a campsite. **Woody Vanderhoop** explained that there's a bit of property behind the Community Center, and nearby areas that may be used on occasion for camping; part of the program is connecting with wilderness and getting kids back into the woods.

**Mimi Davisson** asked about the size of the contiguous area. **Woody Vanderhoop** explained that the entire site is about 200 acres; the master planning is thinking in terms of the total acreage; this project is using a small fraction of the whole; half of the entire site is considered wetlands so a good chunk of the land can never be developed; there are no plans to expand out into the wooded area.

**Jim Powell** said sparse traffic is understated. The tribe has generously offered the Tribal Council's meeting room for meetings of the Town or school. It was great to be able to use the facility. The spirit of volunteerism drives the plan and the vision.

**Peter Cabana** wondered about a change in words on the stormwater system because it's a mechanical system; he suggested changing language on page four of the Staff Report to read *the system exceeds our policy*. **Bill Wilcox** confirmed that's true.

**Mark London** suggested that it would be desirable to install larger doors and suggested putting language in the final decision-if approved- that allows the applicant to change doors and windows and add future enhancement of solar. The orientation of the building doesn't really permit solar, but there's always potential.

**Christina Brown** closed the public hearing.

**Linda Sibley moved that, whereas there are no outstanding questions with regard to this project, the Commission waive referral to LUPC and take action. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.**

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### **3. WAMPANOAG TRIBE: DRI NO. 606 COMMITTEE – DELIBERATION & DECISION**

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

**Linda Sibley moved to approve the project as presented with the various changes that were discussed.**

**Christina Brown amended, and it was duly seconded, the motion to include a few conditions:**

- ***The operation manuals and maintenance schedule of the Stormtreat system shall be placed on file with the Commission.***
- ***Fertilizer will be water-insoluble chemicals and no pesticides, herbicides, and fungicides will be used.***
- ***Groundlighting can be solar or low-voltage conventional lighting.***
- ***Building lights and pole lights will be turned off within an hour after building is closed and security lighting will be motion sensitive.***
- ***Changing doors and windows and the site for accept solar equipment doesn't require return to the Commission.***

### **3.1 Benefits & Detriments**

Commissioners reviewed benefits and detriments.

- There's no more appropriate place for the Community Center.
- It's a definite benefit that the Tribe has opened the project to the Island. It's very positive and generous.
- The project uses a better system for treating stormwater than what is required and it's tying into a package wastewater treatment plant.
- The project favorably affects persons and property of the Tribe and Town. It allows people to save travel gas and time.
- Its location allows the project to have much less impact than a project of this type would normally have.
- The project will be used primarily by people in tribal housing and positively affects affordable housing.
- The project favorably affects municipal services and the burden on taxpayers.
- The project will use efficiently existing public facilities and those that will be developed within five years.
- The project will aid the ability of the municipality and Tribe to achieve objectives set forth in general plans.
- The project will not contravene land development objectives.
- The project is consistent with Commission's Open Space Guidelines.
- The project is a form of Smart Growth.

**Ned Orleans** commented that this is the Up-Island YMCA. And it was provided with no fundraising.

**Mimi Davisson** added that it is noteworthy that the applicants replicated the wetlands that were filled in, which shows stewardship of the land.

**Linda Sibley** said Smart Growth on the Island is different than it is statewide. Statewide smartgrowth is urban and doesn't fit on the Island. Cluster does fit here and undeveloped parts of the Island need facilities. It is in close proximity to a housing development with one hundred people.

***A roll call vote was taken: In favor: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C. Murphy, K. Newman, N. Orleans, J. Powell, D.***

**Sederholm, S. Shea, L. Sibley, R. Toole, A. Woodruff. Opposed: None. Abstentions: None. The motion passed.**

Commissioners thanked the applicant for designing a building that fits so well with the Island and for presenting it so clearly.

#### **4. OTHER**

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##### **4.1 December Meeting**

Commissioners unanimously approved moving the date of the December regular meeting from December 20<sup>th</sup> to December 13<sup>th</sup>.

##### **4.2 LUPC**

The LUPC meeting on the Moujabber addition is scheduled for Monday, November 19<sup>th</sup>, at 7:30 p.m.

##### **4.3 Meeting Time**

Commissioners agreed to continue starting meetings at 7:30 p.m. Mimi Davisson suggested trying to schedule meetings so they end before 11:00 p.m.

Susan Shea left the meeting.

#### **5. EXECUTIVE DIRECTOR'S REPORT**

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**Mark London** gave the Executive Director's report.

- Any Commissioner who has been appointed may want to inquire whether he or she will be reappointed.
- There is a Smart Growth and Energy Conference in Worcester on December 7<sup>th</sup>.
- Ed O'Connell is working on expedited permitting.
- November 17<sup>th</sup>, 11:00 a.m. at the VTA office is a meeting about agricultural commissions. There will be four speakers from already established agricultural commissions, acting members of established agricultural commissions, staff from USDA and the acting commissioner of the Massachusetts Agricultural Commission. They might have funding for geothermal. The workshop will be videotaped.
- The draft transportation policy is ready to be reviewed by the subcommittee.

**Chris Murphy** commented on expediting permitting; the Commonwealth started to expedite large projects, but he would like to expedite small projects. **Mark London** said the purpose isn't to relax standards, it's to make the process clearer and easier; a Commonwealth-wide guide will be coming out with a list of best-practice techniques and Ed O'Connell is working on how these techniques are used on the Island.

**Kathy Newman** asked whether applicants should be asked to come in having had an energy audit. **Mark London** said everyone has received a draft DRI Energy Policy of how the Commission looks at energy. The one hang up is how to measure an objective standard. He was hoping the Commonwealth would have a performance standard on which the Commission could

piggyback, but they don't seem to be there yet. Applicants are being given the draft policy. The policy has to go back to the subcommittee; we should aim to have a revised version by the end of the year.

The meeting adjourned at 9:10 p.m.

  
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Chairman

2-21-08  
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Date

  
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Clerk-Treasurer

2-29-08  
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Date