



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 June 5, 2008 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

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

- | | |
|---|--------------------------------------|
| P James Athearn (E – Edgartown) | - 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) | P 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) |
| - Katherine Newman (A – Aquinnah) | |

Staff: Mark London (Executive Director), Bill Veno (Senior Analyst), Paul Foley (DRI Coordinator), Bill Wilcox (Water Resource Planner), Christine Flynn (Affordable Housing Planner).

The meeting was called to order at 7:40 p.m.

1. EXECUTIVE DIRECTOR'S REPORT

Mark London suggested that Commissioners to drive by Agricultural Hall site and think about whether there needs to be additional screening along the road, to prepare for reviewing the landscaping proposal by the applicant. **Chris Murphy** suggested that the applicant mark the property line with a post at each end.

2. DOUG HOEHN BUILDING: DRI NO. 613 – DELIBERATION & DECISION

Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C. Murphy, J. Powell, D. Sederholm, S. Shea, L. Sibley, P. Strauss, R. Toole

For the applicant: Doug Hoehn (applicant).

2.1 Offers and Conditions

- **Linda Sibley** pointed out that the landscaping along the road is narrow. It's a narrow band and will require some creative landscaping.
- Lot 1 has had landscaping done already. The applicant will bring a landscaping plan to LUPC.

- **Linda Sibley** suggested that there should be a condition that exterior lights be turned off at night.
- **Peter Cabana** suggested that the applicant contact Cape Light Compact to see if they could be LEED certified.
- Commissioners and the applicant discussed adding a dormant easement from the applicant's property to the town land in the event, however unlikely, that a public road would be developed at the back of the cemetery property.

Mimi Davisson moved, and it was duly seconded, to add the condition of a dormant easement from the back of the applicant's property to town land. A voice vote was taken. In favor: 2. Opposed: 10. Abstentions: 0. The motion did not pass.

- **Susan Shea** asked if there could be a post-graduate donation. Commissioners agreed the question is more than a clarification and can't be raised at this time.
- **Christina Brown** asked for clarification on the timing of installing denitrification. **Doug Hoehn** clarified that denitrification systems on Lot 2 and 3 will be put in when buildings are built on those lots. When he builds his own building, he will put denitrification in, and when the DeBettencourt system needs to be rebuilt, he will install a denitrification system, all of which is contingent on whether town sewer is available for hook-up or not.
- Commissioners discussed whether to leave in the option of a monetary contribution as mitigation for nitrogen.

2.2 Benefits, Detriments, and Decision

Chris Murphy moved, and it was duly seconded to approve the project with the offers and clarifications.

Commissioners discussed benefits and detriments.

Linda Sibley said that the presentation was very well done and was very complete.

Christina Brown said she appreciated that the proposal was very low-key for the site and appropriate for Martha's Vineyard.

Commissioners discussed including boilerplate language requiring the town's building inspector to receive a Certificate of Compliance from the Commission before issuing a Certificate of Occupancy.

Chris Murphy moved, and it was duly seconded, that the written decision will include language that states:

- ***A town's building inspector shall not issue a Certificate of Occupancy before receiving a Certificate of Compliance from the Commission's Executive Director or DRI Coordinator.***
- ***Any permits issued by the town should explicitly include the MVC conditions as part of the local permit conditions.***
- ***Any changes in the project shall be brought back to the Commission for review.***

A voice vote was taken. In favor: 12. Opposed: 0. Abstentions: 0. The motion passed.

The exact wording will be reviewed with Commission counsel and will be included and reviewed when Commissioners vote on the written decision.

Doug Sederholm observed that compliance has been an on-going concern of the Commission and should not be considered an issue with just this project.

A roll call vote was taken on the motion to approve the project. In favor: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C. Murphy, J. Powell, D. Sederholm, S. Shea, L. Sibley, P. Strauss, R. Toole. Opposed: None. Abstentions: None. The motion passed.

3. VINEYARD GOLF HOUSING: DRI NO. 484-M – DELIBERATION & DECISION

Commissioners present: J. Athearn, J. Breckenridge, M. Davisson, C. Murphy, J. Powell, D. Sederholm, S. Shea, L. Sibley, R. Toole, A. Woodruff

For the applicant: Dick Barbini (engineer).

Christina Brown recused herself.

Doug Sederholm reviewed the revised proposal.

Paul Foley gave the staff report.

- The proposal is for a building with 11 bedrooms of staff housing and for a bathroom. Both will be attached to the sewer.
- There are currently forty beds.
- The purpose of the additional building is to give staff more flexibility.
- The applicant has submitted a plan with the dimensions, footprint, and location.

Linda Sibley moved, and it was duly seconded, to approve this application for staff housing and restrooms.

Commissioners discussed the benefits and detriments.

- Staff housing is a benefit.
- Bathrooms are a benefit.
- Hooking up to the town sewer is a benefit.
- Keeping staff on site is a benefit.

Mark London confirmed that any conditions which applied to the original approval apply to this modification.

A roll call vote was taken. In favor: J. Athearn, J. Breckenridge, M. Davisson, C. Murphy, J. Powell, D. Sederholm, S. Shea, L. Sibley, R. Toole, A. Woodruff. Opposed: None. Abstentions: None. The motion passed.

4. HARBOR VIEW HOTEL: DRI NO. 614 – PUBLIC HEARING (CONT.)

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

For the applicant Sean Murphy (attorney), Thad Heiland

Chris Murphy reopened the public hearing.

Christine Flynn summarized the report on economic development.

- The proposed project is the second largest project on the Island to date at \$55 million.
- The hotel has 120 rooms, is the largest hotel on the Island, and is an economic anchor for the Town of Edgartown.
- There are 96 full-time employees and 188 seasonal workers. At the peak, there are 284 employees.
- There are approximately 20 weddings and numerous functions and conferences throughout the year.
- The hotel offers training opportunities for the high school. It provides space for fundraisers and non-profits functions. It established the Harbor View Lighthouse Community Foundation, providing \$50,000 in grants and \$50,000 in in-kind donations.
- It operates on a year-round basis.
- The applicant provided information on direct economic impact which is estimated at \$11.2 million, including \$100,000 in property taxes, and \$400,000 in occupancy tax.
- Staff will provide a summary of the economic and impact analysis study.

Mimi Davisson asked for confirmation that the capacity is the same.

Thad Heiland reported on employee housing.

- This year they're having a hard time finding people to work. This year they're paying an additional \$150,000 more in rental payments.
- They've paid \$450,000 to date and may pay as much as \$700,000 for their contribution to housing this year alone.

Sean Murphy explained that the hotel rents twenty-two houses a year for employees on average.

- The Harbor View pays the rent ahead of time.
- Employees pay to the Harbor View 41% of the cost of their housing.
- Some of the rentals are in the employees' names and some are in the Harbor View's name.

John Breckenridge asked about the cost of units. **Sean Murphy** explained that the units will range from \$550,000 to over a \$1 million.

Sean Murphy, in response to a question from Mimi Davisson, said that the hotel will work closely with the Town on the construction schedule.

- The next phase of renovation and construction will begin in the fall. If the construction is modular, they'll work with police.

- The next phase is more involved. They'll fill in the pool and use that as a construction area with perhaps some spillover to Starbuck Neck, but construction will take place on site.
- They won't be doing construction in the summer.
- The number of construction jobs won't be affected by using modulars.

Mimi Davisson asked if the hotel would be willing to commit to buying local products. **Thad Heiland** said they would continue this practice, which they've been doing for years.

There was a discussion about outdoor activities.

- **Sean Murphy** explained that the great lawn is where the larger outdoor functions take place.
 - Some of the activities may be able to move inside where functions will be able to accommodate up to 231 people. The walls are soundproofed and windows are fixed.
 - Most of the corporate functions are in the late shoulder seasons and are inside.
 - For outdoor events there is no amplification. They have special permits for three outdoor events per week during the day and three at night. (**Christina Brown** suggested the applicant include the restrictions in their current permit as an offer.)
 - There will be a pool in a slightly different location from the present spot. There will be a new solar heating system for the pool.
- **Thad Heiland** explained that in a semi-public setting, not using chlorine in the pool wouldn't be appropriate. The chlorine dissipates very rapidly. New chlorine isn't added for quite some time before the pool is emptied.
- **Bill Wilcox** said it dissipates within a week and is reactive with organic matter in the ground.

Jim Athearn asked about the drainage problem with the neighbor. The applicants said that:

- There were some drainage issues with water lines. They'll offer whatever solution the highway department recommends.
- They've put in additional drains. If those haven't worked, they'll correct them.
- A portion of the parking area will be pervious, helping to relieve some run off.

Mimi Davisson asked about fire safety. **Sean Murphy** said that one of the main advantages is that they're bringing everything up to code.

Sean Murphy explained the condo/rental program.

- Typically with this kind of program, 85% of the units go back into the rental program.
- They understand the concern that the units not become residential, and believe that the Zoning Board of Appeals will put a restriction limiting residential possibilities.
- If the Zoning Board of Appeals doesn't put a residential restriction on the units, the applicant will come back to the Commission and the Commission can put on the restriction.
- They anticipate that even the units that aren't in the program, owners will have transient guests -- friends and family of the owners -- who will be treated as and act like hotel guests.

- 100% of the rooms will be hotel use.
- 15% may not be in the rental program.
- This is in the R5 district. It has to be a hotel or one single family home.

Linda Sibley asked whether with the vigorous winterization, they anticipate that there will be significantly greater use of the hotel. **Christina Brown** said she understood that they hope that there will be more off-season gatherings and conferences.

Sean Murphy explained that the responsibility of the utilities in the units is the hotel's.

- They currently winterize at 45 degrees. There will be something in the documents that the units can't be left at 75 degrees.
- It's their intention that the hotel and restaurant will be open year-round.

The applicant will submit the details of the condo/rental program. The hotel owns everything but the actual suite and retains control of the site.

The affordable housing contribution is approximately \$107,000 dollars.

Chris Murphy continued the public hearing until June 19th. At that time the written testimony and the site visit will be reviewed and, unless new information is introduced, the hearing will be closed.

5. JAMES FERRY TENNIS CENTER: DRI NO. 598- CONCURRENCE REVIEW

Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C. Murphy, J. Powell, S. Shea, L. Sibley, R. Toole

For the applicant: James Ferry (owner).

Doug Sederholm recused himself.

Christina Brown explained that the proposal is to change the use of the second floor of the building from an office to a yoga studio. The building is in North Tisbury on State Road.

Paul Foley described where the project is located. The question is whether the change is significant enough to require a public hearing.

Jim Powell reported on the LUPC meeting.

- LUPC recommended that the Commission not concur with the referral.
- The applicant has invested a great deal to improve the aesthetics and safety and ADA accessibility of the building
- It is very well screened from the road.

Richard Toole said that instead of offices, the applicant wants to have one yoga instruction studio.

Linda Sibley said it may be an increase in intensity of use. If the Commission does vote to concur, she recommended that the Commission send a letter to the Planning Board thanking them for the referral. She wanted to make sure that we don't discourage the permit granting authorities from sending the projects to the Commission. We aren't questioning them when we send projects back without concurring.

John Breckenridge pointed out that the DRI decision doesn't speak to the Board of Health's wastewater limit. The system is designed for 660 gallons per day. That is the restriction.

Bill Wilcox said the Board of Health wouldn't allow the project to go above the limit because it destroys the ability of the septic system to work. He said that John Powers recommended that the flow rate to use for a yoga studio be three gallons per person per day.

The applicant also provided a daily schedule.

Mimi Davisson moved, and it was duly seconded, to not concur with the referral and that the changes are not significant enough to require a public hearing. A voice vote was taken. In favor: 10. Opposed: 0. Abstentions: 0. The motion passed.

Linda Sibley moved and, it was duly seconded, to approve the proposed changes. A roll call vote was taken. In favor: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C. Murphy, J. Powell, S. Shea, L. Sibley, R. Toole. Opposed: None. Abstentions: None. The motion passed.

Linda Sibley moved, and it was duly seconded, that the Commission write a letter to the West Tisbury Planning Board, thanking them for the referral and explaining the Commission's decision. A voice vote was taken. In favor: 11. Opposed: 0. Abstentions: 0. The motion passed.

The meeting adjourned at 9:00 p.m.

Christina Brown March 9, 2009

Chairman

Date

W. J. Means

Clerk-Treasurer

March 6, 2009

Date