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Minutes of the Commission Meeting Held on October 2, 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)
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)	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); Bill Veno (Senior Planner); Paul Foley (DRI Coordinator); Jo-Ann Taylor (DCPC Coordinator).

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

MARTHA'S VINEYARD HOSPITAL: DRI NO. 324 - BRICKS

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

Doug Sederholm commented on the Commission's review of the hospital's exterior bricks and newspaper reports that questioned this.

- It is not unreasonable for the Commission to review the exterior of a major building.
- The Cape Cod Commission did exactly the same thing when they reviewed the exterior of the Cape Cod Hospital.
- When the Commission reviewed and approved the architectural design, the Certificate of Compliance stated that the hospital was to return to the Commission before ordering the bricks.
- The hospital ordered the bricks before returning to the Commission.
- LUPC unanimously recommended approval of the brick choice.

Richard Toole confirmed that LUPC recommended approval of the brick color as generally consistent with the earlier discussion. It was also suggested that, if it's not too late, they should

work with the supplier to get a more middle range of brick color tone. There was a lot of contrast between the dark and light and it was suggested that the darkest 10% in the mix be made somewhat lighter.

Christina Brown said she was pleased that the architects looked at the brick buildings on the Island. She said the proposed brick is similar to the Tisbury School's brick.

Christina Brown moved, and it was duly seconded, to approve the brick choice as proposed, with the recommendation that they lighten the darkest 10%, if possible. A roll call vote was taken. In favor: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Crane, M. Davisson, C. Murphy, K. Newman, J. Powell, D. Sederholm, S. Shea, L. Sibley, R. Toole, A. Woodruff. Opposed: None. Abstentions: None. The motion passed.

2. MARTHA'S VINEYARD SAVINGS BANK, WEST TISBURY: DRI NO. 454-M – PUBLIC HEARING

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

For the applicant: Bob Wheeler, Bruce MacNelly, CEO, Glenn Provost, Reid Silva, Richard Leonard

Jim Athearn recused himself from the discussion.

Richard Toole opened the public hearing and read the hearing notice. The proposal is to construct a new two-story 3500 sq. ft. building to house the Trust and Brokerage Division offices.

2.1 Staff Report

Paul Foley gave the staff report.

- The original DRI was approved in 1997 to build the Martha's Vineyard Cooperative Bank building.
- The conditions were:
 - Exteriors lanterns would be turned off at night.
 - A donation of \$1,836 would be made to the Dukes County Housing Authority.
 - An easement of twenty feet was granted on State Road.
 - If West Tisbury ever were to adopt a Master Plan for the business district with an access road, the applicant would grant an easement.
- There is an 1800 sq. ft. Cape Cod style house with a retail antique shop on the proposed site. This building will be removed and a new building will be built.
- The modification was referred by the West Tisbury building inspector.
- Key issues are parking, which has been scaled back, trees, and possibly nitrogen-loading since the property is located in the Tisbury Great Pond Watershed.
- The site is in the West Tisbury Mixed-Business district.
- There's a lot of green space that will be turned into unpaved parking.
- The applicants are proposing a 40 ft. buffer along the rear perimeter with plantings or a no-cut zone.

- The applicants propose to add some trees in the foreground.
- They submitted a landscaping plan.
- There will be minimal signage.
- They are consulting with a local energy expert.
- The current use is a low traffic generator at 12 trips a day. It is estimated that the proposed use will generate about 90 trips a day for employees and visitors, which is higher than the ITE estimated trip generation rates.
- Traffic counts on State Road show about 9,000 trips per day, with August showing 10,000 trips a day and a peak hour count of 900.
- All intersections generally operate at level of service A.
- The sight lines are adequate.
- Hart Plumbing and Ferry Tennis are close by.
- The applicants originally proposed 32 parking spaces and are now proposing 25, 9 of which would be on grass. 10,000 sq. ft. of the 12,000 sq. of parking and driveway would be unpaved.
- The vehicular circulation has been converted to a one-way system.
- For affordable housing, the applicants considered moving the existing house to the back of the property but couldn't do it under existing zoning. The applicants offered the house as a donation but no one wanted it. The applicants have offered to make the affordable housing mitigation payment of \$1,750.
- There will be 20 full-time employees who will come from other locations.
- The existing main bank building is 3500 sq. ft.

2.2 Wastewater

Bill Wilcox gave the wastewater report.

- There is room on the site to handle the run off dispersing it through vegetation.
- This proposal meets what he considers a reasonable solution.

2.3 Applicant's Presentation

Building and Landscape Plan

Bruce MacNelly explained the building design and landscaping plan.

- The site is in the Mixed-Business District. The building would be 3,500 sq. feet, which is the maximum size allowed.
- The design is based on the character of what's happening up the road, namely a barn-like structure to go with the main bank building.
- The front stays simple and vehicular traffic goes to the back.
- There is a pathway to the front door and along the side, with a maintained green space, a stone wall to create an edge, and a looser maintained green space.
- The pine tree will be removed and a few small trees will be added.
- The vehicular entrance will remain the same, maybe a little narrower.
- The building will house the trust department, with public reception on the ground floor. The bank is anticipating 10 to 15 customers a day.
- He explained the trees, buffer and apple tree.

- The building will have vertical cedar siding with painted clapboards.

Septic

Reid Silva explained the septic design.

- The applicants are proposing a drip dispersal leaching facility. Massachusetts just permitted the technology for general use and there is one on the island.
- The drip dispersal system uses a small ½-inch drip tube 6 to 8 inches in the root zone.
- The technology is not considered advanced treatment but rather an alternative technology.
- The State hasn't accredited it for nitrogen reduction yet, though there is considerable data to support the nitrogen-reducing capacity.
- Part of the proposal is to move the existing well so it will be 200 feet from the abutter's leaching field.

Energy

Bruce MacNelly explained that Kate Warner is a consultant on the project.

- She's put forward the Vineyard Build, an energy efficient way of building.
- Geothermal was discussed but they'll more likely use an air-to-air heat-pump system. They're trying for a non-fossil system and insulating as well as possible.

2.4 Commissioner Questions

Chris Murphy said that he's impressed by the septic idea but it would be helpful to have more information over the next few years; it would be great if the applicant could put in monitoring wells. **Reid Silva** explained that there's a meter on the outflow; the applicant will have a monitor and will have to report to DEP twice a year.

Monitoring wells for nitrogen levels were discussed.

- **Chris Murphy** suggested it would be helpful if there were monitoring wells that could measure nitrogen levels.
- **Mark London** said that there is a test center on the Cape that conducts extensive, scientific testing of innovative alternative wastewater treatment systems. He suggested that, before imposing requirements on the Applicant, we should check with them to see whether this kind of monitoring would add to their data.
- **Bill Wilcox** suggested using a lycimeter for testing nutrients. He doesn't recommend getting into a testing program. The system is currently being tested on the Cape.

Linda Sibley said there seems to be one kind of large open space where a new shade tree is not being proposed, due south of the existing building. She said a tree there would seem to be both aesthetically pleasant and could provide shade in summer.

Mimi Davisson asked whether the applicants had considered eliminating a curb cut. **Bob Wheeler** and **Bruce MacNelly** said it wouldn't be practical to ask people to turn around and would require relocating the drive through.

Mimi Davisson asked whether the applicants would consider a dormant easement; the dormant easement is in place on the present bank property, possibly for only five years. **Bob Wheeler** said they're willing to do anything that makes it easier to get to the bank.

The applicant confirmed that the lots will remain two lots, and will not aggregate as one. The zoning limit is 3,500 square feet of building per property.

John Breckenridge asked about shutters. **Bruce MacNelly** responded that leaving off shutters was intentional to create a less residential, more informal look.

John Breckenridge asked whether the applicants have considered adding landscaping on the Vineyard Gardens side, given the possibility that Vineyard Gardens may not always be the abutter. **Bruce MacNelly** said the lot line between themselves and Vineyard Gardens is not exactly clear but they want that kind of buffer. Staff could develop language for the offers that clarify that.

Bruce MacNelly clarified that the center section is denoted as green because they may not need that for parking.

Bob Wheeler explained that they met with abutters. They invited everyone within a 300 foot radius and a few people came to the meeting. They also sent out copies of the elevations.

John Powers, abutter, was given a full set of drawings.

Bruce MacNelly said the Zoning Board of Appeals has seen the plan and the applicants have had some preliminary discussion with them.

There was a discussion about buffer plantings.

- **Bruce MacNelly** explained that on the Tea Lane side, they're not doing any planting because the vegetation is already dense. On the John Powers side, they're adding plantings to thicken the buffer and moving the line of trees. Their intent is to do plantings that the abutter wants.
- The applicant and the abutter will work together to fix the fence between the two properties.
- **John Powers** explained that moving the trees back would put them in the ten foot hollow.
- **Bruce MacNelly** said they're a little unsure of how we're going to proceed because of the swale. If they can, they'll fill it in. They won't be planting trees ten feet lower in the swale.

Mark London said the Commission usually looks for vigorous affordable housing efforts, beyond the basic mitigation in the Housing Policy.

Bob Wheeler said the bank can demonstrate that it has made vigorous efforts toward filling the affordable housing needs of the Island. He said he hoped those efforts would stand in their favor.

- They are always looking for ways to finance affordable housing and they have made substantial contributions to affordable housing.
- They are considering further donations and projects but they're not prepared to make a formal proposal at this time.

John Breckenridge asked about the 26 foot entrance road coming in; he would like a formal definition of the requirement and the applicant's proposal. **Bruce MacNelly** said they'll make a more specific proposal.

2.5 Public Comment

John Powers, abutter behind the bank, wondered how long the record would stay open.

Richard Toole said the written record would stay open for two weeks.

John Powers asked about the lighting plan. **Bruce MacNelly** said they're planning to remove the light poles and use bollard lighting, about five around the edges and a few inside the walkway; there will be a few downward-lit lights on timers on the building as required by code; there won't be any flood lighting; there are half a dozen tall light standards on the site now which will come down.

3. MV ARENA WIND TOWER: DRI NO. 49M-2- DELIBERATION & DECISION

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

Christina Brown gave the LUPC report.

- The latest offers were very responsive to the public hearing. LUPC recommends that the project be approved subject to the offers being incorporated in the decision.

3.1 Offers and Conditions

The Commissioners outlined and discussed the offers, with the Applicant providing some clarifications.

- The tower will be 172 feet to the tip of the blade.
- There will be no more than four arrays of wireless telecommunication antennas which shall not extend more than about two feet out from the tower. If they want more, they'll come back.
- The tower will be 22 feet from the back line of the property. If they bring it closer to the road, shadow and fall zone become issues because of the proximity to the proposed YMCA.
- They had a setback issue with the equipment shed so the location was shifted. In the new site plan they shifted the equipment shed ninety degrees. The shed meets the fifty-foot setback requirement.
- The ancient way runs parallel to the rear property line.
- In the revised parking plan, parking has shifted to the rear of the building.
- The applicant clarified that he doesn't think noise will be an issue, and that they will do an avian mortality study for one year.

Andrew Woodruff suggested adding some fill and enlarging the berm closer to the Arena. It would be beneficial to have screening between the ancient way and the parking lot. The applicants agreed that there is room to add fill and plantings.

Chris Murphy asked about parking of the buses. At one point in time there was discussion about the bus area being used as overflow parking, but buses will park there.

Mimi Davisson said the cell tower component is an important part of the structure because of the revenue it generates.

There was a discussion of lighting.

- The only exterior lighting will be that required by zoning and the FAA. Exterior lighting on the equipment shed will be downward shielded.
- **Christina Brown** suggested that final landscaping and exterior lighting plans be reviewed by LUPC.
- The Arena is full until about 10:30 at night and the lights are on timers.

John Breckenridge moved, and it was duly seconded, to approve the proposal with offers as noted.

Mark London suggested stating specifically that the landscaping and lighting plan should be developed with the intention of increasing the buffer to protect the ancient trail; the berm can make a big difference.

Andrew Woodruff stated that addressing the berm issue will hopefully increase the seclusion of the trail from the parking lot. He also thinks some buffering of the buses would be beneficial to include in the landscape plan.

3.2 Benefits & Detriments

Commissioners discussed the benefits and detriments of the project including:

- A wind turbine would offer significant benefits.
- The location is appropriate.
- The impact on the environment is minimal.
- Lighting and noise are enclosed in the compound. However, the FAA may require lighting on top of the tower.
- The Arena is the third largest energy consumer on the island. The wind turbine will generate up to 25 % of the Arena's energy consumption.
- The project will slightly reduce the parking capacity behind the arena.
- The tower will be one of the tallest structures on the island. Visibility will be mitigated in several ways. It is set well-back from the nearest public road. It is in a mainly institutional area. The view from the road will be screened when the entrance is relocated and landscaped. Landscaping will partially mitigate the visibility of the tower.
- Regarding impact on abutters, the project is located at the rear of a parking lot in a primarily institutional area. It is set back to minimize its presence and the visual impact in the public way. It can serve an educational role.
- It is a large turbine. The noise will likely affect the natural character and serenity of Land Bank property and may impact the desirability of locating housing on the abutting resident homesite property.
- Accommodation of wireless communication on this tower would improve cell phone service and reduce the need to erect other towers.
- Cost savings from the turbine and income from cell antennas are benefits to the facility that provides recreational benefits to the community.
- The project doesn't interfere with the campus plan.
- The project is consistent with the Regional Island Plan.
- The project will need a special permit from the local planning board and the Zoning Board of Appeals.

- The landscaping will improve the character of Old Holmes Hole Way.

Mimi Davisson said she is concerned about putting a project of this size on a site with lots of people and lots of kids. She is concerned that there isn't a plan for approving windmills and she doesn't want the Commission to be setting a precedent that will allow windmills to pop up all over the place.

Mimi Davisson's concerns were discussed.

- **Doug Sederholm** said that the Commission is not allowed to consider health issues of cell towers by federal law and asked if there is any history of towers falling down.
- **Gary Harcourt** said there are some turbines around the world that have fallen down. He's almost sure that none of this manufacturer's turbine has ever collapsed. Many towers have been placed near schools and playgrounds.
- **Peter Cabana** pointed out that the Hull turbine, a much larger machine, is right next to the school.
- **Jim Powell** agreed with Mimi Davisson that the Commission will need a plan for wind towers and will need to scrutinize the plan, which he feels they have done. Additionally, the health benefits are considerable.
- **Doug Sederholm** said he believes that the Commission can't deny this application because there is no overall plan, but he agrees that there should be a plan
- **Gary Harcourt** reiterated that this is a small capacity turbine. This tower wouldn't be designed for a larger capacity turbine.

A roll call vote was taken. In favor: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, C. Murphy, K. Newman, D. Sederholm, A. Woodruff. Opposed: None. Abstentions: M. Davisson. The motion passed.

Jim Powell was not eligible to vote.

4. M.V. SAVINGS BANK – UNCAS AVENUE, OAK BLUFFS: DRI NO. 493-M2 – MODIFICATION

Commissioners present: J. Breckenridge, C. Brown, P. Cabana, C. Murphy, K. Newman, J. Powell, D. Sederholm, S. Shea, R. Toole, A. Woodruff

Jim Athearn recused himself from the discussion.

The applicants would like to move the employee lounge from downstairs to upstairs. LUPC recommends that this is a minor change that doesn't require a public hearing.

Chris Murphy moved, and it was duly seconded, that this is a minor modification and doesn't require a public hearing. A voice vote was taken. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.


Christina Brown moved, and it was duly seconded to approve the modification. A roll call vote was taken. In favor: J. Breckenridge, C. Brown, P. Cabana, C. Murphy, K. Newman, J. Powell, D. Sederholm, R. Toole, A. Woodruff. Opposed: None. Abstentions: J. Athearn. The motion passed.

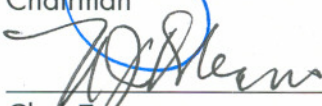
5. MV ARENA WIND TOWER: DRI NO. 49M-2- WRITTEN DECISION

Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, C. Murphy, K. Newman, D. Sederholm, A. Woodruff

Christina Brown moved, and it was duly seconded, to accept the written decision. A roll call vote was taken. In favor: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, C. Murphy, K. Newman, D. Sederholm, A. Woodruff. Opposed: None. Abstentions: None. The motion passed.

The meeting adjourned at 10:00 p.m.



Chairman


Clerk-Treasurer

11-20-08

Date
1-22-09

Date