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Minutes of the Commission Meeting Held on October 16, 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)	P Katherine Newman (A – Aquinnah)
P John Breckenridge (A – Oak Bluffs)	P Ned Orleans (A – Tisbury)
P Christina Brown (E - Edgartown)	P Jim Powell (A – West Tisbury)
P Peter Cabana (A – Tisbury)	P Doug Sederholm (E – Chilmark)
- Martin Crane (A – Governor Appointee)	P Susan Shea (A – Aquinnah)
P Mimi Davisson (E – Oak Bluffs)	P Linda Sibley (E – West Tisbury)
P Carlene Gatting (County Comm. Rep.)	P Richard Toole (E – Oak Bluffs)
- Mark Morris (A – Edgartown)	- Andrew Woodruff (E – West Tisbury)
P Chris Murphy (A – Chilmark)	

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

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

Doug Sederholm welcomed Carlene Gatting as the County Commissioner representative to the Commission.

1. OUR MARKET: DRI NO. 4M-4 – SOLAR PANELS – MODIFICATION REVIEW

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

Applicant: Harold Sears, owner, represented by Rob Meyers, South Mountain Company

1.1 Staff Report

Paul Foley gave the staff report.

- The proposal is to install a 10 kw photovoltaic system on the south side of the main building and on a storage building.
- LUPC voted to recommend to the full Commission that this is not a major modification, does not require a public hearing, and should be approved.
- The Oak Bluffs Selectmen voted unanimously to approve the project.
- Some of the possible issues are that it is a very visible location and glare might be an issue.

- The system is expected to generate about 10% of Our Market's electricity. After the Cape Light Compact energy audit and related improvements, it might be able to produce 20% to 30% of their electricity. The refrigeration requires a lot of electricity.
- The panels will be at a parallel plane to the roof surface.
- The Board of Selectmen asked the Harbor Review Committee to approve the installation.

Richard Toole described the LUPC discussion.

- There was discussion about the contrast of the panels against the roof.
- The roof shingles will be gray and the panels will reflect the sky color.

Rob Meyers said there's not as much glare as on a window. If there is a great glare issue, they will try to ameliorate it.

Christina Brown said LUPC discussed that it is a good thing that Our Market will be using solar power and they suggested that Our Market put up a display about saving energy such as the Steamship Authority uses.

Rob Meyers said Our Market will have a simple display about the solar panels.

Linda Sibley said that panels at Healthy Additions don't have glare. She added that she thinks it's great that the panels are in a highly visible location.

Linda Sibley asked whether Our Market will be eligible for energy tax credits. **Rob Meyers** said that that tax credits and bonus depreciation will apply; it will also be eligible for a Commonwealth Solar rebate.

Rob Meyers confirmed that the shingles will be a light gray. He said it is difficult to pick a shingle color that will blend in 100% of the time, but they'll be in the light gray tones.

Jim Athearn moved, and it was duly seconded, that the proposal is not a major modification and does not require a public hearing. A voice vote was taken. In favor: 13. Opposed: 0. Abstentions: 0. The motion passed.

Linda Sibley moved, and it was duly seconded, to approve the project as presented, including the mitigation of glare, if necessary, and the details about the new shingles. A roll call vote was taken. In favor: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C. Gating, C. Murphy, N. Orleans, J. Powell, D. Sederholm, S. Shea, L. Sibley, R. Toole. Opposed: None. Abstentions: None. The motion passed.

2. IGREJA EVANGELICA ASSEMBLIA DEUS: DRI NO. 619: PUBLIC HEARING

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

For the applicant: James Weisman and Darran Reubens (Terrain Associates, architects)

Richard Toole opened the public hearing and read the hearing notice. The location is 60 Pacific Avenue, Oak Bluffs and the proposal is to renovate an industrial building and convert it into a church.

2.1 Staff Report

Paul Foley gave the staff report.

- The zoning is R1 residential. The previous use was for truck storage and repair for BFI.
- It's been unused for several years so it reverts back to its residential use. Churches are allowed in a residential area.
- The applicants may be looking for Wastewater Commission approval, but they've been told they can't tie in at this time because of issues with the leaching field.
- The building was built in 1950 by Rogers Trucking.
- The building is 4669 square feet. There's a loading platform and canopy that will be incorporated into the interior for a 5515 square foot building.
- BFI took over the transfer station and used this area for truck service repair and storage.
- The neighbors won a lawsuit that truck repair and storage was an inappropriate use.
- The footprint will not be changed except that the loading dock area will be incorporated into the building.
- The first phase will be planting and screening.
- There are four regular church activities a week. The church's attendance is about 115 people. The applicants are planning 125 seats in the church.
- The project was referred by the Oak Bluffs building inspector.
- Key issues are:
 - Masses occur mainly at night and incorporate amplified music.
 - The traffic is impacted, especially before and after services.
- There's a lot of Russian Olive on the outside edge of the property.
- The landscaping plan proposes to soften the site considerably. They plan to put 10 street trees along Pacific Avenue and plant a mix of shrubs and trees around the rest of the property.
- There will be a four foot high fence to screen the parking, except in front of the building, which will be set back five feet from the property lines and have plantings on either side.
- Lighting will be downward-shielded as required by code, in addition to downward-shielded bollard lights.
- Noise will be one of the major issues.
- The hours of operation are 9:00 a.m. to 10:00 p.m.; church services are 7:00 p.m. to 10:00 p.m.
- Signage will be according to regulations, with a light that will be turned off after services.
- For energy sustainability, they'll use Energy Star appliances. Conduits will be roughed for solar hot water in the future. Insulation will be sprayed into the walls. They'll put windows in the south side for solar gain.
- It's in the Oak Bluffs Harbor Watershed, which is a sensitive watershed.
- The nitrogen allocation for this site would be 5.6 kilograms per year. Using World Revival Church numbers as a basis, Bill Wilcox calculated that the facility will likely exceed the nitrogen loading limit. It would behoove the applicant if they could get hooked up the wastewater treatment facility, but they were told that the Commission couldn't make a determination at this time.
- They'll put in a Title 5 septic with denitrification, if necessary.

- They've proposed leaching basins in the paved area for stormwater. They will remove the old cesspool or fill it with sand, whatever is recommended. They will grade the gravel parking area to discharge the water to vegetation. Roof runoff should be kept on site and should be directed to drywells or a vegetative swale.
- The traffic study was done by the Terrain Associates. Currently the parking area is all open. They'll fence off the area so there will be two vehicular entrances. They did some manual car counts at the current location and at other churches, resulting in a calculation of one car per three parishioners.
- Traffic will be impacted especially around the time they hold services.
- Parking shows 32 spaces on site. Oak Bluffs zoning requires 25. The church's parking demand is slightly higher than the number of spaces they're asking for. But in the general area there are approximately 70 spots. And there is overflow parking space on their lawn.
- They are on the VTA bus route.
- They'll institute a parking pass program for parishioners, carpooling and educate them that there's no parking in neighborhoods.
- It's general policy that the Commission does not charge religious organizations for affordable housing.
- Economic impact is that religious organizations are exempt from paying property taxes.
- Landscaping will improve the streetscape.
- Building massing is the same. It's a little bit larger but uses the same footprint.
- Impacts on abutters include noise, crowds during evening services.
- The Commission hasn't received correspondence.
- There is a single family home nearby. It's been abandoned thirtytwo years.
- Stormwater floods the area. There is an existing issue because of the pavement.
- They want to direct traffic onto Pacific and away from smaller residential streets.
- Paul Foley showed the slideshow and Commissioners asked for clarification on landscaping and fencing.

2.2 Applicant's Presentation

Jamie Weisman, architect, presented information for the applicant.

- He said this ex-BFI this site in this community is a good place for a church. It's in town and a complementary usage to other buildings in the area.
- This congregation is not large. The building is more than adequate for their needs. The sanctuary, community center and offices all fit within this site.
- He explained the interior layout.
- It's not the intention of the church to use the commercial kitchen for other than church activities.
- There will be a stairway to the basement but the basement won't be usable space.
- The applicants asked for doors in the front of the church that leads into the sanctuary. The sanctuary has a minimal amount of windows. There will be mechanical ventilation and deck lights.
- The space doesn't have a lot of windows. Most activity takes place at night and they don't want to have a problem with sound. They don't amplify, except in the sanctuary.

- The loading dock is where the crèche is, the pastor's office, and is an ideal place for passive solar gain.
- The vegetation will shield the view of the building from the street. Carlos Montoya helped develop the landscape plan.
- As far as septic is concerned, they did investigate with town sewerage. George Sourati looked at the property and it's not difficult to create a septic and leaching field. There's also room to do a Bioclere system. They offer the Bioclere system if it's Bill Wilcox's recommendation that they do it. Staff and Bill Wilcox aren't exactly sure of the flow. The church doesn't load the aquifer more than two moderate sized houses.
- The interior space of the church is 1400 sq. ft.
- Passive solar energy is great, economical and efficient.
- They know that 32 parking spaces is a few spaces less than what is required. They went to the library and the town hall and discovered that there are three lots that have 70 public parking spaces. It seems that it's one of the few places on the Island that has parking spaces.
- They are not going to have a steeple.

Darran Reubens said he met with George Sourati who said the site is out of Zone 2. Commissioners responded that the site is in the Oak Bluffs Watershed. **Mark London** said that it appears that the project will be slightly over the nitrogen loading limit so it would be useful to meet with the applicants and Bill Wilcox to review the options.

Jamie Weisman explained that the lighting plan includes downward lit lights that will be turned off after business hours, including the sign light.

John Breckenridge asked if there would be a second set of doors at the second wall for further noise reduction.

Richard Toole asked where the compressors for the air conditioner would be placed.

Ned Orleans asked whether the music amplification is part of the religious tradition.

The pastor explained that the music is amplified but not loud.

- The reason for doing the blown in insulation is to save heat and to create a noise buffer.
- Basically they don't want to bother anybody.
- The amplification is an inherent part of the religious tradition.

Susan Shea added that music should be heard easily in the church; whatever happened to having windows in a building and letting the breeze flow through. **Richard Toole** reiterated that the point is to keep the noise and activity within the building and it requires compromise.

Linda Sibley said that a tremendous amount of heat can be created by a large group of people.

Peter Cabana suggested they contact Cape Light Contact for energy grants.

John Breckenridge asked whether services had to go to 10:00 p.m. The pastor explained that services go to about 9:15 p.m. and usually the parking lot is cleared by 9:30. 10:00 p.m. allows people to clean up and leave.

Carlene Gating asked whether there would be wedding celebrations at the site. The pastor explained that there haven't been weddings at the church; the community area is for people to gather; their plan is not to have large wedding celebrations. **Christina Brown** noted that the size of gatherings is limited to the capacity to the church.

The pastor confirmed that the child care area is for children during services, not a daily daycare.

Mimi Davisson asked about the number of special events per year.

The pastor explained that the special events are usually events like prayer services with a visiting pastor, or the annual church anniversary celebration. The offer is one special event per month plus four per year. The pastor explained that the church is three years old and they haven't had a wedding yet.

Jamie Weisman said it is difficult to get the wording exact and he would be happy to work with the Commission on the offers. He understands the neighbors' concerns, but thinks the size of the congregation fits into the community.

Carlene Gating raised the neighbors' concern about the potential of the congregation growing over the next few years.

The pastor explained that if they ever get too big, they would have to find a different location. One of their offers is to not park in the street. At services, three or four people check that congregants don't park in the street.

Mark London explained that the conditions have to be written precisely to clarify use by any group of people.

Jamie Weisman suggested that fixed seats could be possible to physically limit the number of seats.

Doug Sederholm reiterated that the capacity is for 125 people, including the choir, pastor, etc. There will be 125 people maximum. He added that the neighbors are concerned that this will be a community center, not a church. The smaller group uses are outlined. The offers specify what the uses will be.

A neighbor explained that his concern is that there is a 1500 sq. ft. community center. The discussion regarding restrictions is appropriate. The concerns are legitimate. The center can be misused and can get out of hand. Attendance goes from 35 people to 125 people.

Doug Sederholm agreed that said the concerns are justified and the neighbors haven't raised anything that isn't valid.

Jamie Weisman said they've moved the entrances to Pacific Avenue to help mitigate the traffic impact.

Claudio said, in translation:

- Right now their community has 80 members. 125 members is their maximum goal.
- Sometimes they have visitors.
- Services and activities range from 35 to 125.

Mimi Davisson asked whether they had considered having a curb cut from the rear. **Jamie Weisman** said it seems more logical to have it on Pacific.

Richard Toole explained that at the next meeting the applicant will explain wastewater, landscaping and trees, and will clarify offers.

Jamie Weisman explained that the loft area will be removed so it shouldn't be considered in the square footage.

Chris Murphy asked if staff could check with the attorney about whether the Commission has the right to regulate music if it is an integral part of the service.

3. FORTUNE WORLD: DRI NO. 617: WRITTEN DECISION

Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C. Murphy, N. Orleans, J. Powell, D. Sederholm

Commissioners agreed to the following changes:

- Line 26 Staff will double check the number of bedrooms.
- Line 52-53 On August 14, 2008, the Commission help a public hearing on the application pursuant to the act.
- Line 109 Add Michael Santoro
- Line 109 The MVC reviewed written and oral testimony from town boards and the public, including Michael Santoro, speaking as a private citizen.
- Line 119 delete a
- Line 150 . . . to keep stormwater runoff on the property.
- Line 196-7 delete: such as those as relating to wastewater and future traffic mitigation.
- Delete reference to DCPCs.
- Line 252 As offered by the applicant stormwater runoff shall be controlled . . .
- Line 262 should changed to shall
- Line 273 Revise: . . . *vehicular access to the property shall only be . . .*
- Delete: . . . *in the circumstance that . . .*
- Line 283 *Add: As offered by the applicant and prohibited . . .*
- Page 8 Add: among conditions to be satisfied . . . 1a and 1c.
- Line 232 Change numbering.

John Breckenridge moved, and it was duly seconded, to approve the written decisions as corrected. A roll call vote was taken. In favor: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C. Murphy, N. Orleans, D. Sederholm. Opposed: None. Abstentions: J. Powell. The motion passed.

Chris Murphy said to staff that Section 6.1 reads very well. It's easy to follow and eliminates a lot of problems.

4. MINUTES

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

4.1 Minutes of August 7, 2008

Commissioners agreed to the following corrections:

Line 70 Correction . . .reconsideration

Line 202 Add . . . the Commission could approve or disapprove . . .

Christina Brown moved, and it was duly seconded, to approve the minutes as corrected. A voice vote was taken. In favor: 9. Opposed: 0. Abstentions: 1. The motion passed.

4.2 Minutes of August 28, 2008

Commissioners agreed to the following corrections:

Line 124 Correct typo

John Breckenridge moved, and it was duly seconded, to approve the minutes as corrected. A voice vote was taken. In favor: 8. Opposed: 0. Abstentions: 2. The motion passed.

4.3 Minutes of September 11, 2008

Jim Powell moved, and it was duly seconded, to approve the minutes as corrected. A voice vote was taken. In favor: 8. Opposed: 0. Abstentions: 2. The motion passed.

5. OTHER

5.1 Training Sessions

Bill Veno reminded Commissioners that there will be a Citizen Planner Training session on Monday, October 20. One workshop will be on programs that encourage farmers to erect windmills and sell excess power, raising the question of when a farm becomes an electric producer. Another workshop will be on defining and educational building, which has been an issue for the Commission in the past.'

On November 12, there will be a Citizen Planner Training session on ethics

5.2 End of the Year

Doug Sederholm spoke about what he would like to accomplish before the end of the year, namely: the DRI Checklist, the review of the job performance of the Executive Director, and the revised energy guidelines.

The meeting adjourned at 10:10 p.m.

Alfred Moun
Chairman

5/21/09
Date

N. Means
Clerk-Treasurer

5/21/09
Date