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## Minutes of the Commission Meeting Held on November 6, 2008 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

### IN ATTENDANCE

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

|   |                                      |
|---|--------------------------------------|
| P James Athearn (E – Edgartown)         | - 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** announced the changes to the Commission membership as a result of the recent elections. Richard Toole and Mimi Davisson chose not to run. Holly Stephenson was elected from Tisbury. Jim Athearn was not elected as a write-in candidate. All other current commissioners on the ballot were elected.

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

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Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C. Gatting, C. Murphy, 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 the possibility of glare.

- The system is expected to generate about 10% of Our Market's electricity. After they have a Cape Light Compact energy audit and do suggested upgrades, the percent may increase to 20% to 30%. The refrigeration requires a lot of electricity.
- The panels will be at a parallel plane to the roof surface.
- The Board of Selectmen has 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. 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 thinks it's great that the panels are in a highly visible location to make people more aware of the use of solar panels.

**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, and 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 grey 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 offer to mitigate 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 EVANGALICA ASSEMBLIA DEUS: DRI NO. 619: PUBLIC HEARING**

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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, Terrain Architects; Darran Reubens, Terrain Architects, Darci Peres, Pastor

**Richard Toole** opened the public hearing.

- The location is 60 Pacific Avenue, Oak Bluffs.
- 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. 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 not a permitted use, and it was closed down. The property has 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. The Wastewater Commission is deciding where the local leaching field will be located.
- 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.
- 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 include:
  - Masses occur mainly at night and incorporate amplified music.
  - The traffic is impacted, especially before and after services.
- The landscaping plan softens the site considerably. There's a lot of Russian Olive on the outside edge of the property. 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 around the site except in front of the building, set back five feet with plantings on either side, to screen the parking.
- Lighting will be downward-shielded as required by code, in addition to downward-shielded bollard lights.
- 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 in 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 to hook up to 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 leeching 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 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.
- They are on a VTA bus route.
- 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'll institute a parking pass program for parishioners, carpooling and educate them that there's no parking in neighborhoods.
- Religious organizations are exempt from paying property taxes.
- With respect to the streetscape, the landscaping should be an improvement. The 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. Stormwater from the street floods the area; this is an existing issue because of the configuration of the pavement. They want to direct traffic onto Pacific and away from smaller residential streets.
- The Commission hasn't received correspondence.
- There is an adjacent single-family home that has been abandoned for thirty-two years.
- He showed slides of the project and area.

## **2.2 Applicant's Presentation**

**Jamie Weisman**, architect, presented information for the applicant.

- He said this ex-BFI 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.
- There will be doors in the front of the church leading 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 former loading dock will be used for a crèche and 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 town sewerage. George Sourati looked at the property and it's not difficult to create a septic and leeching field. There's also room to do a Bio-clere system. They offer the Bio-clere 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.
- Passive solar energy is great, economical and efficient.
- They know that 32 parking spaces is a few spaces less than what may be needed. 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.
- The loft area will be removed, so it shouldn't be considered in the square footage.

**Darran Reubens** asked why additional wastewater treatment is needed since it is out of the Zone 2 area of protection around a public well. **Mark London** said that the issue is that it appears that the project will be slightly over the nitrogen loading limit of the watershed, so it would be useful to meet with the applicants and Bill Wilcox to review the options.

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

There was a discussion of music and noise.

- **John Breckenridge** asked if there would be a second set of doors at the second wall in the front foyer entrance 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.
- **Pastor Peres** 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** commented that music should be heard easily in the church. She asked 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 and then talk to Kate Song from Cape Light Compact.

There was a discussion of the church activities.

- **John Breckenridge** asked whether services have to go to 10:00 p.m.
- **Pastor Peres** 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.

- **Pastor Peres** 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** said the size of gatherings is limited to the capacity to the church.
- **Pastor Peres** confirmed that the child care area is for children during services, not a daily daycare. 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 church is three years old and they haven't had a wedding yet. 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.
- **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 neighbor's concerns but he 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.
- **Pastor Peres** explained that if they ever get too big, they would have to find a different location.
- **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 a 125 person maximum. Neighbors are concerned that this will be a community center, not a church.
- A neighbor explained that his concern is that this 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.
- **Jamie Weisman** said they've moved the entrances to Pacific Avenue to help mitigate the traffic impact.
- **Claudio** said, in translation, that 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 on Seaview Street.

**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.

**Chris Murphy** said at some point he might want to make a motion to prohibit amplification of music and asked staff to clarify whether the Commission has the right to regulate music if it is an integral part of the service.

**Peter Cabana** said it would be to the applicant's advantage to contact Cape Light Compact.

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

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*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**

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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*

##### **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**

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**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 the programs in place to encourage farmers to erect windmills and sell excess power, raising the question of when does a farm become an electric producer. Another workshop will be on exemptions, such as how to define an educational building, which has been an issue for the Commission in the past.

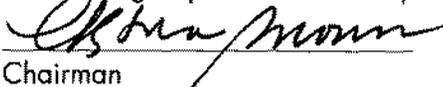
On November 12, there will be a Citizen Planner Training session on ethics.

**5.2 End of the Year**

**Doug Sederholm** noted that his term as Chairman is over at the end of the year, and he would like to accomplish the following.

- Adopt the DRI Checklist.
- Finalize the energy guidelines.
- Review the job performance of the director.

The meeting adjourned at 10:00 p.m.

  
Chairman

5/7/09  
Date

  
Clerk-Treasurer

5/7/09  
Date