

**Minutes of the Commission Meeting  
Held on November 18, 2010  
In the Stone Building  
33 New York Avenue, Oak Bluffs, MA**

**IN ATTENDANCE**

---

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

- |                                      |                                      |
|--------------------------------------|--------------------------------------|
| - Bill Bennett (A – Chilmark)        | P Katherine Newman (E – Aquinnah)    |
| P John Breckenridge (E – Oak Bluffs) | - Ned Orleans (A – Tisbury)          |
| P Christina Brown (E – Edgartown)    | P Camille Rose (A – Aquinnah)        |
| P Peter Cabana (A – Tisbury)         | P Doug Sederholm (E – Chilmark)      |
| P Martin Crane (A – Governor)        | P Linda Sibley (E – West Tisbury)    |
| P Fred Hancock (A – Oak Bluffs)      | P Brian Smith (A – West Tisbury)     |
| P Chris Murphy (E – Chilmark)        | P Holly Stephenson (E – Tisbury)     |
| P Jim Joyce (A – Edgartown)          | P Andrew Woodruff (E – West Tisbury) |
| P Lenny Jason (A – County)           |                                      |

Staff: Mark London (Executive Director), William Veno (Senior Planner), Paul Foley (DRI Coordinator), and Michael Mauro (Transportation Planner).

**Christina Brown** called the meeting to order at 8:00 p.m.

**1. CHAIRMAN'S REPORT**

---

**1.1 Edgartown Special Town Meeting**

**Christina Brown** gave the Chairman's Report. Edgartown Selectmen have posted a special town meeting on December 14, 2010 to consider withdrawing from the Martha's Vineyard Commission.

- The citizens will have a chance to look more closely at the MVC; to see what it does and what the benefits are to the community.
- In 1974 all six towns supported the legislation that created the MVC with the intent to protect the unique resources of Martha's Vineyard. The MVC would supplement, not replace the work of the Island towns.
- The Commission is a tool available and used by all of the towns.
- The Commission is the regional planning agency that serves as a conduit for funding from the State and other agencies.
- The funding formula was set in the legislation that created the MVC, and apportions assessments based on the equalized valuation of real estate. This means that a typical year-round house assessed at \$500,000 in any town pays approximately \$20 in taxes towards the MVC this year.
- Questions regarding the budget process and expenditures are welcomed.

## 2. OAK BLUFFS FISHING PIER: DRI 628 DELIBERATION AND DECISION

---

*Commissioners present: J. Breckenridge, C. Brown, P. Cabana, F. Hancock, J. Joyce, C. Murphy, K. Newman, C. Rose, D. Sederholm, L. Sibley, B. Smith, H. Stephenson, A. Woodruff.*

**Chris Murphy** gave the LUPC report.

- The possibility had been raised of giving a blanket permit which would give permission for the pier at the two locations that had been discussed, but after consulting MVC Counsel, concluded that it could only deal with the location for which notice was given, which was the basis of the public hearing.
- The LUPC voted to recommend the project to the full Commission for approval with conditions, namely accepting the following offers made by the applicant.
  - The pier will be constructed with green-hard stakes, the pile bents will be designed with the maximum spacing between the bents to allow a free flow of water and distribution of sediment. The piles will be driven by a crane driven hammer.
  - Aluminum handrails will be constructed off-site and delivered by barge or truck for installation on-site.
  - No heavy equipment will be stored or re-fueled in the resource areas protected by 310 CMR.
  - The contractor will minimize the impact to the coastal resources.
  - A 50 ft. buffer will separate the furthest point of the pier to the adjacent eel grass beds, which can only be determined at the time of construction.
  - The pier will be ADA accessible. The handrails will be lowered in several locations to provide fishing access for handicapped individuals.
  - There will be no lighting. Reflectors, including radar reflectors, may be installed if necessary for public safety and navigation.
  - The pier will be open 24-hours a day, 7-days a week for fishing or assisting in fishing. The town of Oak Bluffs will enforce use regulations to keep order. Surveillance equipment may be deployed at the discretion of the Oak Bluffs Police Department.
  - There will be no boat tie-ups at the pier.
  - The pier will not be provided with amenities such as running water and electricity.

**John Breckenridge** gave his reasons why to approve the project.

- The pier will be an asset to the whole Island community.
- The location is appropriate based on the information presented.
- The infrastructure that will be in place will compliment the pier, such as the handicap access, the close proximity of the restrooms, and the revitalization of the North Bluff.
- The Steamship Authority pier is close by and will provide protection from most coastal storms.

***John Breckenridge moved, and it was duly seconded to approve the Oak Bluffs Fishing Pier DRI 628 as presented with the conditions as offered.***

- **Jim Joyce** noted that the State had offered to maintain the pier perpetually. It was not in the list of offers and he wondered if it should be.
- **Christina Brown** said that it could be in the application, but it could be added to the conditions.

- **Fred Hancock** said it was included in the Land Management Agreement between the Department and the Town.

***John Breckenridge moved and it was duly seconded to amend his motion to include the condition, as offered by the applicant during the public hearing and described in the Land Management Agreement, that the Department of Fish and Game shall undertake any repairs, replacement or reconstruction made reasonably necessary by the effects of weather or normal public usage.***

- **Holly Stephenson** said that she thinks that a fishing pier and handicap access is important for Oak Bluffs. During testimony it was stated by many fishermen that they used to fish at the jetty and the Steamship Authority pier, but for different reasons cannot any more. She questioned if it would make more sense to build some sort of access on the jetty or provide access along the Steamship pier, which she thought might cost less.
- **Linda Sibley** said that if the applicant was present at the meeting she would have asked them if they would be willing to make the offer to post no-fishing up to a certain point on the pier. The neighbors stated that they use that area for swimming. She had asked and it was never answered what the safe buffer area would be on either side of the pier for swimmers. It was stated that the fish would be at the end of the pier, not where the swimmers would be. She asked if the question could be brought back to the applicants for consideration.

***A roll call vote was taken on the motion to approve the application with conditions, namely accepting the offers as presented and adding the condition about repairs, replacement or reconstruction. In favor: J. Breckenridge, C. Brown, P. Cabana, F. Hancock, J. Joyce, C. Murphy, K. Newman, C. Rose, D. Sederholm, L. Sibley, B. Smith, H. Stephenson, A. Woodruff. Opposed: None. Abstentions: None. The motion passed.***

### **3. WAVELENGTHS: DRI 623 – DELIBERATION AND DECISION**

---

*Commissioners present: J. Breckenridge, C. Brown, P. Cabana, L. Jason, J. Joyce, C. Murphy, K. Newman, C. Rose, D. Sederholm, L. Sibley, H. Stephenson*

**Paul Foley** provided an update.

- The rear building was moved forward to allow the provision of an easement for a potential connecting road through the adjacent properties located at the rear of the commercial zone. One parking space was shifted from the front to the back of the rear building.
- LUPC recommend the full Commission approve the project, with a vote of 4 in favor, none opposed, and one abstentions (Ned Orleans).
- The plan does have approximately 20% open space, although it is not contiguous.
- The stormwater plan is for a ten-year storm. It has been offered to have the final plan reviewed by the MVC.
- The turn-around would be adequate for an ambulance, however larger emergency vehicles, delivery trucks, and garbage trucks would most likely back up into Main Street.

***Linda Sibley moved, and it was duly seconded to approve the Wavelengths application DRI 623 as presented with the conditions as offered by the applicant.***

- **Linda Sibley** said that the applicant worked hard in making the most of a difficult piece of property. She feels it was classic smart growth and consistent with the Edgartown Master Plan. The regional issues were relatively modest and have now been dealt with.
- **Jim Joyce** had concerns with parking. He said there are four residential units with only one parking spot allotted to each and no guest parking. There will be problems in the months of July and August when all of the commercial spots are taken.
- **Chris Murphy** agreed with Jim Joyce, but stated that the Edgartown Planning Board has indicated that it is comfortable with the parking. He thought that the applicant has done as much as they could with dealing with parking for the property.
- **Doug Sederholm** said that it was the best the applicant could do with parking if they choose to have four residential units. If the applicant really wanted to address parking they could reduce the number of residential units.
- **Holly Stephenson** said she thought the project was not her idea of smart growth. She feels as though mixed-use properties usually have parks or green areas. This property has no green space that is usable in any residential capacity. The parking is not sufficient. The residential units are two-bedroom units with the potential of children living there.
- **Linda Sibley** noted that the parking spaces in the garage would not be used by the public.
- **Chuck Sullivan** clarified that each residential unit would have a two-car garage underneath it. One of the parking spots would be assigned to a unit in the front building. Each garage has a locked stairway to access the apartment and a locked storage unit.
- **Linda Sibley** said the residential parking was discussed at LUPC. Their conclusion was that people would choose not to live there if they needed parking for multiple automobiles.
- **Kathy Newman** said that people would make the decision if the parking situation was comfortable for them. The Commission needs to decide if this issue has a regional impact.
- **Lenny Jason** reminded the Commission that an elm was to be planted, as called for in the Edgartown Main Street Master Plan. **Chuck Sullivan** said that it would be included in the landscaping plan to be presented to the LUPC.
- **Doug Sederholm** noted that if the Edgartown Planning Board felt the parking was inadequate, they could reject the plan or modify it. **Christina Brown** agreed that the parking issue could be addressed at the local level.
- **Christina Brown** summarized the conditions.
  - The easement for the rear connecting road
  - Tree planting in the front of the property, landscaping plans to be brought back to the LUPC.
  - Downward-shielded lights; security lighting to be on motion sensors.
  - Donation of \$10,158 to an Island affordable housing organization.
  - The property will be on town water and sewer.
  - The final stormwater plan will be reviewed by the LUPC.
  - The building will be built with high density foam insulation and exceed the MA building code for energy efficiency by 20%.

***A roll call vote was taken on the motion to approve the Wavelengths application DRI 623 with conditions as proposed. In Favor: J. Breckenridge, C. Brown, P.***

*Cabana, L. Jason, C. Murphy, K. Newman, C. Rose, D. Sederholm, L. Sibley. Opposed: J. Joyce, H. Stephenson. Abstentions: None. The motion passed.*

## **4. MINUTES**

---

### **4.1 October 7, 2010 MVC Minutes**

***Chris Murphy moved, and it was duly seconded to adopt the Martha's Vineyard Commission Minutes of October 7, 2010. A voice vote was taken. In favor: 13. Opposed: 0. Abstaining: 1. The motion passed.***

### **4.2 October 21, 2010 MVC Minutes**

**John Breckenridge** provided clarification to the Staff Report under what would be allowed outside of building envelopes in lines 134.

- Add "the right" to create additional walking paths.
- Add "utility trenching" and "if necessary" the placement of wells and septic systems.
- Line 135 add "15-degree" view channels and add "a few new" driveways.
- Line 385 add "association" to condominium.
- Line 445 the word "sated" should be "stated"

**Fred Hancock** stated that he had asked a question in Section 4.3 which was not reflected in the minutes. He had asked if the 6,000 s.f. limit for the total structures was for the total construction or the footprint. The clarification from the attorney was the limit was for the footprints of all the structures. **Christina Brown** said it would be added after line 225.

***Chris Murphy moved, and it was duly seconded to adopt the Martha's Vineyard Commission Minutes of October 21, 2010 as corrected. A voice vote was taken. In favor: 14. Opposed: 0. Abstaining: 0. The motion passed.***

### **4.3 November 4, 2010 MVC Minutes**

**Doug Sederholm** said he reviewed the minutes and had corrections.

- Line 48 should state "detailed regulations at town meetings"
- Line 74 the word "distributed" should be changed to "for distribution".
- Line 93 "adopt the regulation" should be "adopt a regulation"
- Line 100 "the boundaries of the Ocean Zone are as follows" should be "boundaries in the Ocean Zone in the Town of Aquinnah" and repeated to the other town motions.
- Line 110 "except the, school buildings and grounds" should be "except school buildings and grounds" and repeated to the other town motions.
- Line 113 "of" should be inserted after "Aquinnah" and repeated to the other town motions.
- Line 123 should be "adopt a regulation" and repeated to the other town motions.
- Line 261 "counsel said that the" should be deleted.
- Line 349 should be "...and it would be a truly unusual project for a bond to be required"
- Line 396 the word noncompletion is one word.
- Line 416 "Compliance" to be inserted between "DRI" and "Procedures".

- Line 415 delete "moved the motion"
- Line 422 replace "to move" with "to continue"
- Line 474 replace "one care" with "one car"
- Line 486 replace "22 ft." with "22 s.f."
- Line 487 should be "10 ft. setback"
- Line 532 should be "where there will be a large catch basin and leaching field"
- Line 585 should be "a slate of commissioners"
- Line 611 insert "and" after the semicolon.

**Fred Hancock** said he was not present during the Wavelengths presentation vote.

***Doug Sederholm moved, and it was duly seconded, to adopt the Martha's Vineyard Commission Minutes of November 4, 2010 as corrected. A voice vote was taken. In favor: 14. Opposed: 0. Abstaining: 0. The motion passed.***

## **5. COMMITTEE REPORTS**

---

### **5.1 Site Visit to Chasin Subdivision**

**Linda Sibley** stated that the site visit to the Chasin subdivision had been postponed due to rain storms. The visit is re-scheduled for Tuesday, November 23, 2010 at 9:00 a.m.

### **5.2 Wind Energy Plan Work Group**

**Doug Sederholm** reported on the Wind Energy Plan Work Group.

- The Committee last met on November 16, 2010 at which a draft regulation for the DCPC Model Regulations was reviewed and discussed. It is the goal to have a draft regulation ready to send to the towns for consideration by the end of the year.

### **5.3 Rhode Island Ocean Special Area Management Plan**

**Doug Sederholm** gave an update on the Rhode Island Ocean SAMP.

- During a public meeting attended by representatives from Rhode Island and Massachusetts regarding the Area of Mutual Interest (AMI), it was revealed that the federal government has received two proposals to develop wind turbine projects within the AMI. The federal government is in the process of reviewing the financials of the potential developers.
- Both Rhode Island and Massachusetts are committed to submitting plans to the National Oceanic and Atmospheric Administration (NOAA) which would give the states input in projects located in federal waters that are close enough to shore to be shown as having an impact on the resources within state waters.
- Doug Sederholm explained that there was an opportunity for Island fishermen to provide charts of fishing areas to be included in the plan.
  - Only 3 charts were turned in.
  - Representatives of the island commercial fishing industry explained that one reason was because during the Massachusetts Ocean Management Plan 32 charts were turned in and none of the information was included in the Plan.
  - They also felt they were not consulted or heard in the development of the Cape Wind project.

- If the information is not included in the Plan the area and resources cannot be protected.
- The deadline for public comment on the Rhode Island Ocean SAMP is November 29, 2010.
- The last meeting on the Island about the Rhode Island Ocean SAMP would be December 9, 2010 at 5:00 p.m. at the Oak Bluffs Library.

**Peter Cabana** said that there are three Massachusetts seats on the Rhode Island Fishermen's Advisory Council and state representatives asked for recommendations.

It was agreed by consensus that the MVC support the recommendation of the Dukes County / Martha's Vineyard Fishermen's Association.

***By consensus, the Commissioners authorized Doug Sederholm and Christina Brown to prepare, with input from the Wind Energy Plan Work Group, a comment letter on the draft Rhode Island Ocean SAMP.***

#### **5.4 Federal Wind Task Force**

**Peter Cabana** noted that the federal government is looking at offshore wind energy development along the entire east coast of the United States.

**Camille Rose** said the next meeting for the Joint Task Force would be December 10, 2010 at 10:30 a.m. at Roger Williams in Providence, Rhode Island. She recommended hiring a bus if there would be enough people attending the meeting.

### **6. OLD BUSINESS**

---

#### **6.1 Counsel Opinion on Revoking DRIs**

**Lenny Jason** asked for an update on the opinion of counsel regarding the possibility of the Commission revoking a DRI decision. **Christina Brown** said they did not have an answer yet, but would aim to have one before the next meeting.

#### **6.2 Hart Application Project West Tisbury**

**Lenny Jason** asked for an update on the Hart application, an approved DRI where the applicant cut down many trees, contrary to the decision's conditions. He suggested revoking the DRI approval.

**Paul Foley** said there has not been any other activity from the last update when the applicant called the office. We are awaiting a new landscaping plan.

### **7. COMMISSION OFFICERS**

---

#### **7.1 Nominations**

**Fred Hancock** presented the slate of officers from the Nominating Committee.

- Chairman – Chris Murphy
- Vice Chairman – Fred Hancock
- Clerk/Treasurer – John Breckenridge

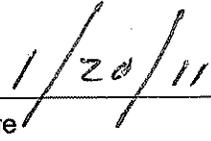
**Christina Brown** said the purpose in the presentation of the slate is so that the Commissioners could think about the recommendations and present additional nominations if they chose. The election will be on December 16, 2010.

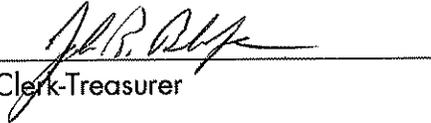
The meeting adjourned at 9:25 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING:

- Oak Bluffs Fishing Pier DRI 628 Applicant Offers

  
Chairman

  
Date

  
Clerk-Treasurer

  
Date