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Minutes of the Commission Meeting Held on February 2, 2012 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

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

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

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

Chairman Chris Murphy called the meeting to order at 7:00 p.m.

1. ROUNDTABLE – O.B. (DRI-633) REVIEW OF BUS PULLOUTS AND WALKWAYS

Commissioners Present: B. Bennett, C. Brown, P. Cabana, E. Hammarlund, F. Hancock, J. Joyce, C. Murphy, N. Orleans, D. Sederholm, L. Sibley, B. Smith, H. Stephenson.

1.1 Land Use Planning Committee Report

Doug Sederholm, Chairman of the Land Use Planning Committee gave the report:

- Two key issues were discussed; where should the bus stops be and should there be pullouts.
- It was unanimous to recommend to the full Commission that there be four bus stops, one at each approach and a pullout at each bus stop. Each pullout would be minimal in size to range from 8 to 10 feet wide, about 40 feet long and with angled ends about 20 feet long to be accommodate VTA buses.
- There would also be necessary crosswalks and connecting sidewalks.
- The location of the Shared Use Path is still not definitive in that it has to return for LUPC approval.
- Angie Grant provided input on behalf of the Vineyard Transit Authority (VTA). Her input was especially important and helpful.

1.2 Staff Report

Mark London gave the Staff Report.

- The approval of the roundabout had the condition that infrastructure related to the bus stops (pull-offs and related landing areas, sidewalks, walkways, etc.) be substantially reduced in area and impact with a revised plan to be submitted to and subject to the approval of the Commission.
- The site plan was reviewed and it was noted that it is not to scale but it is to give an overview of the location of the bus stops and pullouts.
- The original proposal was six bus stops. The VTA has agreed with reducing the number of stops to four. After analyzing several options in conjunction with the MVC staff, and the Town of Oak Bluffs, the VTA now recommends that the four stops be located at each of the approach lanes of the intersection. These locations offer the following advantages:
 - It is the typical location for bus stops at intersections, so people will understand where they are and how they work.
 - A stopped bus in the lane, or a bus pulling into and out of a pullout, would not potentially back up traffic into and block the roundabout.
 - It avoids having one stop across the street from the other which if there were pullouts, would result in a very wide expanse of pavement at such locations.
 - If there are pullouts, as recommended by the VTA, this configuration of stops would have the least impact on vegetation.
 - It avoids having a bus stop in the southwest corner of the intersection, which would have been the most problematic location for a stop, and especially for a pullout. A stop here would have required re-grading and the loss of about 6 to 12 trees between the road and the Shared Use Path, resulting in a significant impact on the character of Barnes Road.
- It had been initially thought that by clustering the bus stops, we could eliminate some of the walkways that would no longer be needed for bus transfers. However, it could be argued that irrespective of the bus stop issue, and even though pedestrian traffic is low in that area, it is desirable that there be a crosswalk at each splitter island to provide a safe way to cross each road. Mass DOT has indicated that if there is a crosswalk, it must be connected to an ADA compliant walkway at each end. This would result in crosswalks at each road and walkways around the intersection, to provide greater convenience and safety for pedestrians and bicyclists.
- The VTA maintains that pullouts at each of the bus stops are necessary so that buses can stop without holding up traffic.
 - Based on the national criteria for when installation of pullouts is warranted, all four locations exceed the threshold traffic volumes at peak hour in the summertime, though they have lower bus volumes than the thresholds.
 - Barnes Road Southbound is the highest priority for accommodating a pullout in order to accommodate buses waiting 3-5 minutes to make a connection built into the schedule. However, any of the buses might have to wait a few minutes for a transfer.

1.3 Commissioners' Questions

Christina Brown asked if Angie could differentiate between bus stops in the lane versus a pullout. **Angie Grant** stated that the "stop and drop" bus stop along a route is usually a 7 to 10 second event. However, this intersection is different because it is a transfer point between three routes with buses coming in all directions. The advantage for pullouts is safety and keeping traffic flowing by not blocking it.

Christina Brown stated that currently the buses stop on demand at any location. How will this be handled in the future? **Angie Grant** said the drivers will be retrained to stop only at the designated stops for that intersection.

Brian Smith noted that to catch the Route 9 bus, the rider will cross over Barnes Road. **Angie Grant** confirmed this and stated it is the best way to minimize the impact on traffic.

Erik Hammarlund asked if there was a way to have a turnaround somewhere near the roundabout where all buses could stop. This would make it easier for riders. **Angie Grant** said the buses are going straight through the intersection, and there is no place to stop and wait to pick up passengers.

Chris Murphy noted that this has been discussed over a long period of time and this seems to be the best solution.

Fred Hancock said that Richard Combra Jr. is in favor of the pullouts. Buses will no longer be pulling off at will and damaging the edge and side of the road with this plan.

Holly Stephenson asked if the buses are handicap accessible and are the pull-offs large enough to accommodate handicap riders. **Angie Grant** confirmed that they are and they will also accommodate bike rack loading.

Fred Hancock noted that with the pull-offs the traffic is not affected as if they would be past the intersection.

Doug Sederholm moved and it was duly seconded that the Commission approve the plan calling for four bus stops located at each approach to the intersection, with a pullout of a minimal size to accommodate VTA buses at each stop, with crosswalks and necessary sidewalks to access them as shown. This does not include approval of the location of the Shared Use Path crosswalk which remains to be reviewed by LUPC. Christina Brown added that the surface of the pullout is to be differentiated from the road surface; Doug Sederholm agreed to include this in his motion. Voice vote. In favor: 11. Opposed : 0. Abstentions: 1. The motion passed.

2. EXECUTIVE DIRECTORS REPORT

Commissioners Present: B. Bennett, C. Brown, P. Cabana, E. Hammarlund, F. Hancock, J. Joyce, C. Murphy, N. Orleans, D. Sederholm, L. Sibley, B. Smith, H. Stephenson.

The Arts and Cultural Collaborative will release its planning report Friday, February 3, 2012. The MVC played an active role in preparation of this report.

There is a federal wind meeting on February 13, 2012 at 5:30 p.m. at the Katharine Cornell Theatre.

3. COMMITTEE REPORTS

Commissioners Present: B. Bennett, C. Brown, P. Cabana, E. Hammarlund, F. Hancock, J. Joyce, C. Murphy, N. Orleans, D. Sederholm, L. Sibley, B. Smith, H. Stephenson.

Fred Hancock noted there will be a Compliance Committee meeting on February 14, 2012 at 8:30 a.m.

Doug Sederholm said the Land Use Planning Committee (LUPC) meeting is tentatively scheduled for February 6, 2012.

Chris Murphy recessed the meeting at 7:30 p.m. and reconvened at 7:45 p.m.

4. CRONIG'S SOLAR – TISBURY- (DRI-321-M3) PUBLIC HEARING

Commissioners Present: B. Bennett, C. Brown, P. Cabana, E. Hammarlund, F. Hancock, J. Joyce, C. Murphy, N. Orleans, D. Sederholm, L. Sibley, B. Smith, H. Stephenson.

For the Applicant: Steve Bernier (Co-Applicant; Cronig's Market); Vineyard Power (Co-Applicant; Richard Andre, President); John Abrams, Rob Meyers, and Derrill Bazzy (South Mountain Company, agents and installers)

Doug Sederholm, Hearing Officer called the Public Hearing to order at 7:45 p.m. and read the hearing notice. The Applicants are Steve Bernier and Vineyard Power. The proposal is to install 3 "Solaire" solar canopies above the existing parking lot of Cronig's Market located on State Road, Vineyard Haven, supporting 12,200 square feet of solar panels.

There was a discussion about the question of whether the fact that several members of the Commission and/or their family members were also members of Vineyard Power might pose a problem with respect to the Conflict of Interest Law. There are two issues: does membership in Vineyard Power constitute a financial interest and, if the majority of Commissioners do have a conflict, is it warranted to invoke the Rule of Necessity, which allows a body to act if it cannot obtain a quorum if all members with a conflict of interest are disqualified.

- **Doug Sederholm** asked Commissioners whether any of them were members of Vineyard Power. Nine replied in the affirmative, namely: B. Bennett, P. Cabana, E. Hammarlund, F. Hancock, C. Murphy, N. Orleans, D. Sederholm, L. Sibley, H. Stephenson. This means that a majority of Commissioners are members of Vineyard Power and it would be impossible to constitute a quorum if they were all disqualified.
- **Richard Andre**, explained Vineyard Power and its role in this project.
 - It was created in November 2009 to pursue energy self-sufficiency recommendations of the Island Plan. The goal is to produce up to 75 % of the Island's energy from renewable energy.
 - They have applied for an offshore lease to build an offshore wind farm. The first step however, is community based solar projects. The first project is in Aquinnah and

- Cronig's Market would be the second project. Vineyard Power Solar is a subsidiary of Vineyard Power.
- Locally sourced financing would be used for the project.
 - Vineyard Power Solar would lease the land from Cronig's Market. After ten years, Cronig's would have the right to purchase the solar array; if they chose not to, Vineyard Power Solar would continue to operate the project.
 - Vineyard Power Solar will get revenue from the project and pay a fee to the parent company (Vineyard Power) to offset the expenses of Vineyard Power.
 - If sufficient revenue is raised from solar projects, Vineyard Power could theoretically distribute these monies to its members. However, the intention is not to do this but rather to use any excess revenues to support development of an offshore wind farm project.
 - Any monies eventually generated by the wind farm would be distributed to its members in the form of lower energy prices.
- **Linda Sibley** said that it would appear that there is little or no possibility that members of Vineyard Power would derive any financial benefit from this project and that if there were a financial interest, it would appear to be de minimus.
 - **Doug Sederholm** noted that since nine of the twelve Commissioners present are members of Vineyard Power, the Rule of Necessity allows us to proceed, since if everyone recused themselves, we would not be able to act on the application. We will move forward with the Public Hearing. He will check with counsel for further clarification.
 - **Linda Sibley** said that there we should also address a possible perceived bias on the part of the Commission. She believes that she speaks for all Commissioners who are members of Vineyard Power in saying that even though she support renewable energy and Vineyard Power, if the detriments of this specific project outweigh the benefits for the public, the Commissioners would not vote for it.
 - **Doug Sederholm** stated that if anyone feels they have a conflict, they can still recuse themselves.

4.1 Staff Report

Paul Foley gave the staff report:

- The project location is State Road, Tisbury Map 23A Lot 23, 26, and 63 (2.44 acres).
- The zoning is B-2, Business District 2.
- The project would be built in two phases. The first phase would be the two canopies in the lot in front of Healthy Additions in the spring 2012. The second phase would be the canopy in the front lot next to State Road in autumn 2012. Both are within the parking lots.
- In 2007, Cronig's was approved to add on to the back of the building, close-in the overhang in front, and remodel the interior. The existing footprint of the supermarket was 21,152 square feet and became 22,517 square feet. The existing sales floor was 13,400 square feet and became 16,140 square feet.

- The three canopies are estimated to generate 250,000 KWh of electricity a year. This amount is estimated to be about one-quarter of the supermarket's annual electric consumption.
- There would be six charging stations for electric vehicles.
- Five existing young trees in the parking lot, that are actually an invasive species, crimson Norway maples (*Acer platanoides* "Crimson King"), will be removed and one mature oak street tree will be removed. Five native street trees (*Acer rubrum*) will be planted along the State Road streetscape.
- The electrical supply systems would be housed in Cronig's basement.
- Some key issues are:
 - How will the canopies fit the character of the area?
 - What is the impact of removing an existing mature tree along State Road and the other changes to the street trees and vegetation along State Road and throughout the parking lot?
- The Applicant says the existing oak street tree to be removed would diminish the power generation of the front canopy by about 15% if it were to remain.
- The Applicant will keep the existing eight lamp posts, which are not downward shielded. They may have to shorten or possibly move a few of them. In addition, they plan to wire the columns and install LED cylinders to provide additional downward shielded infill lighting if needed, using 16 watt energy efficient bulbs.
- The HVAC system in 2007 included a new boiler system that operates at 96% efficiency.
- Rainwater will be channeled through the canopies directly to the existing storm drains.
- The Applicant currently has 127 parking spaces on the lot. The plan is designed to not lose any parking spaces.
- The bottom of the canopies would be 13 feet on the low side and about 18 feet on the high side. At the column the underside would be about 12 feet off the ground. The high sides face the store. The support columns and footings should not significantly alter the existing parking layout. You can drive through parking lanes except where the columns are. One side of each canopy would have a 12 degree pitch and the other would have about a one degree slope.
- The addition of solar panels does not trigger the MVC Affordable Housing Policy.
- The Applicant has submitted before and after streetscape images showing how the addition of five native street trees should help screen the impact of the canopies. They are also trying to tone down the impact with mild color tones on the canopies.
- Compliance issues from the previous approval are downward shielded lighting and the siting of the propane tanks.

4.2 Applicant's Presentation

Rob Meyers (Energy Services Manager), **John Abrams** and **Derrill Bazy** of South Mountain Company presented the following.

- The South Mountain Company was selected via a Request for Proposal (RFP) process for Vineyard Solar Power.
- The existing roof structure is not compatible for installation of solar rays.

- The parking lot idea has been in discussion for a couple of years.
- They looked at various canopy systems but most had multiple posts, would have disrupted the parking lot and traffic pattern, or were too short, namely about ten feet tall.
- The Solaire Company has a central spine and is not intrusive to the parking lot.
- It is a dual incline system which has a drainage plain, so there will be no change to the water management system.
- There will be 12,200 square feet of solar array. Phase one will be 100 feet long and will be started in the winter 2012 and phase two will be 135 feet long and started in late fall 2012.
- There will be six charging stations, two per canopy. This will enable electric vehicle owners to recharge and avoid range anxiety.
- The project was presented to the Tisbury Planning Board to get their opinion, but there is no need for Planning Board approval.
- This project will be a great use of the parking lot space. The concept should be economically viable and repeatable.
- The idea of using agricultural land or habitat for a solar power project seems like a contradiction. However, there are parking lots and other disturbed spaces all over. They looked at 13 possible lots on the Island which could provide energy for approximately 1200 to 1500 homes.
- The canopies bring shade to the parking areas and provide renewal energy.

Holly Stephenson noted that stretch of State Road is void of street trees. **Rob Meyer** said they plan to plant trees to grow to 25 feet tall, which will not block the array and but will make the roadway more appealing.

Peter Cabana asked if there is any mechanism for snow removal in the winter. **Ron Meyer** said that having a slight incline to the canopy will help, but there will be some snow build up. If needed, it would be cleared.

Fred Hancock noted that colors were mentioned at the LUPC meeting and asked whether they were still investigating color options. **Derrill Bazzy** said that they are thinking about Halcyon Green for the columns and beige for the underside. They would be matte or satin to diminish the sheen. These color choices are the best blend for the area.

Brian Smith asked if a retail parking lot is a common use for this application. **Rob Meyers** said they are as well as industrial parking lots.

Erik Hammarlund noted that 13 parking lots were mentioned and wanted to know why Cronig's was selected for the project. **Rob Meyer** said it was due to a very willing client who was committed to doing it.

4.3 Public Testimony

Bill Straw of Tisbury had several questions about the engineering design. He was a solar installer in Nyack, New York and was involved in a similar installation. As a resident of Tisbury, he is not pleased with this proposal. It does not fit the nature of the Vineyard. It appears to be more like Fort Lauderdale. He is in favor of solar and the Island needs it quickly but not at this

location. He has concerns about the viability of the Sun Wise company. Is it the latest technology and can it signal via broadband when the panel goes down. He would be more comfortable if there were results of how the structure performs in a large storm such as a hurricane.

Doug Sederholm asked exactly what his question was regarding the validity of the company. **Bill Straw** said he heard rumors in the marketplace that the company is in question with regards to its financial structure.

Rob Meyers said the entire system is designed for 110 mph winds, which is the required standard. The system will have alerts in place and we would know instantly if the system shuts down. The company is not Sun Wise but Sun Power. **Bill Straw** acknowledged he incorrectly stated the name of the company.

John Abrams said that concerns about aesthetics are valid; some people will think it is beautiful and others will think it is not. They looked at every possible manufacturer for the best engineered product, highest quality and the best design available on the market today.

4.4 Commissioners Questions

Doug Sederholm asked whether the entire system goes down if one panel fails. **Rob Meyers** said no.

Doug Sederholm asked for an explanation of why the current roof at Cronig's will not support the panels. **John Abrams** said it would need a new roof frame which would mean scrapping all those materials. This is a better solution in that it leaves the building intact and adds benefits.

Peter Cabana stated there is a thinner roof film technology and asked whether that approach would work for this application. **Rob Meyer** said it would provide one half the capacity per square foot versus the choice they selected. There are also longevity issues in that the roof has a shorter life expectancy than the solar film.

Janet Heffner, a reporter for the Martha's Vineyard Times asked if there are federal or state subsidies to help with the financing. **Rob Meyer** stated that the Green Communities Act in Massachusetts has renewal energy portfolio standards that require Massachusetts utility companies to produce energy from renewable energy and 20% of that needs to be solar. On the state level, there is an imposed minimum purchase requirement on the utilities. At the federal level there is the Federal Investment Tax Credit.

James Joyce asked if they are getting a tax credit. **Richard Andre** stated that there is a 30% credit on the eligible cost. The owner has to have taxable income and taxable liability to qualify. It is a binary market that is changing and it can go down over time. The value is not determined right now. The market is fairly new and there is an undersupply of solar power in the state. Ten years after the project is commissioned, the tax credit goes away. **John Abrams** estimates that there will be an oversupply of solar energy in the state within three years, but the standards could be reset.

Peter Cabana asked if the viability of the project is based on getting 1630 credits. **Richard Andre** said the credits are issued until 2016.

Fred Hancock asked what is the expected life of the array. **Rob Meyers** said the warranty is to produce power for 25 years.

Chris Murphy asked about the possibility of leaving the large oak tree for now, and then see whether they really lose 15% of the power production. If needed, they could remove the tree later. The less radical cutting of the trees, the better.

Fred Hancock stated that we experience a significant pollen drop and how will that affect the panels. **Rob Meyer** said it is okay to have some pollen and the rains will eventually wash it off.

Linda Sibley asked if the panels are washed every so often. **Rob Meyer** said it is done every five years.

There was a discussion about the public's awareness of the project and when the hearing should be closed.

- **Linda Sibley** said she has a slight concern that there does not appear to be an outbreak of public concern over this project and questioned if the public is paying attention. She wonders whether the MVTV production of this hearing should out there for a while to see whether it elicits additional reaction. She is not sure the aesthetics are consistent to what we are used to on the Island.
- **James Joyce** thought Linda made a good point and there have been no letters from the public.
- **Christina Brown** would like to give the public and the Tisbury Planning Board another opportunity to respond.
- **John Abrams** noted that they did not need to go to the Planning Board for this project, but they did and the Board was favorable.
- **Erik Hammarlund** asked if the hearing is extended, can the application deal with the matters that are not in compliance, namely the lack of down-shielded lighting and the relocation of the propane filling tank.
- **Doug Sederholm** said that Steve Bernier needed to address this.
- **Steve Bernier** replied.
 - He thought the lighting had been resolved. There is a soft yellow tinge to the lights that is friendly. Replacement lighting had more issues than the current lighting. He will readdress it with the Commission, but he needs to know what has to be done to change the existing lighting.
 - The propane tanks were originally on the front right hand corner of the building before the remodel. Subsequently, Chief Schilling and the State Fire Marshall insisted that it not be embedded into the building, that the large tank be installed, and that it be protected so nothing could drive into it.
- **Linda Sibley** and **Erik Hammarlund** asked if Steve could present the two changes so the Commission could approve these modifications so there would not be an ongoing lack of compliance. The suggested that it would be desirable to improve the appearance of the propane installation from the road.
- **Doug Sederholm** asked Steve to amend his application to address those two issues requesting modifications to the prior approvals.

- **Bill Bennett** stated that the MVC abided by the public notice requirements and yet the public is not here. Therefore, he does not feel that the Public Hearing needs to be extended unless compliance issues need to be addressed.
- **Holly Stephenson** noted that people have a tendency to appear when they have a problem with something.
- **Peter Cabana** said that every town voted to be a renewable energy town and he did not see a public issue.
- **John Abrams** mentioned that they had an absolute deadline to complete the project, which they set back to meet with the Tisbury Planning Board. The project has been well publicized. They now have a serious deadline to meet.
- **Brian Smith** said that the MVC is not delaying to drum up opposition, but noted that the only public testimony we have received at this Hearing is not favorable.
- **Linda Sibley** suggested that the MVC leave the Hearing open, but not take further public testimony, unless a new issue is raised. Steve Bernier should address the compliance issues in writing.
- **Steve Bernier** said he has had over 100 people thank him for starting the ball rolling and doing something about renewable energy.
- **Doug Sederholm** suggested that he would leave the written record be left open until next Monday at noon. This would permit Steve Bernier to deal with the two compliance issues. If nothing substantive is received, he would close the Hearing and a post public hearing Land Use Planning Committee (LUPC) meeting would be held on Monday afternoon. The Commission could go to deliberation and decision at the next MVC meeting.
- **Mark London** suggested that the Commission might want to determine at this meeting whether an application to approve the existing lighting and propane installation are minor modifications not needing a public hearing. **Christina Brown** suggested they do this after receiving the modification request.

Doug Sederholm, Public Hearing Officer, closed this session of the Public Hearing, but continued the Hearing until February 6, 2012 at noon for the purpose of receiving written comment, at which time the Hearing would be closed unless there a substantive new issue is raised that merits additional public testimony.

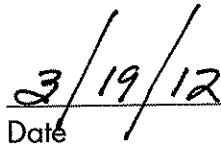
The meeting was adjourned at 9:00 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

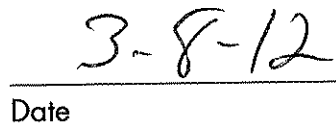
- Martha's Vineyard Commission – DRI 633 – Oak Bluffs Roundabout – Bus Stops and Associated Walkways – January 28, 2012
- Martha's Vineyard Commission – Land Use Planning Committee- Notes of the Meeting of January 23, 2012/February 2, 2012 – Notes for the Roundabout (DRI 633) Bus Pullouts only
- Decision of the Martha's Vineyard Commission DRI 633 – Oak Bluffs Roundabout

- Martha's Vineyard Commission – DRI # 321-M3 Cronigs Solar – MVC Staff Report – 2012-02-02


Chairman


Date


Clerk-Treasurer


Date