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Minutes of the Commission Meeting Held on February 16, 2012 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

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

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|------------------------------------|---------------------------------|
| - Bill Bennett (A-Chilmark) | P Chris Murphy (E-Chilmark) |
| P John Breckenridge (E-Oak Bluffs) | - Katherine Newman (E-Aquinnah) |
| - 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) | - Holly Stephenson (E-Tisbury) |
| - James Joyce (A-Edgartown) | |

Staff: Bill Veno (Senior Planner), Paul Foley (DRI Planner), Sheri Caseau (Water Resources Planner), Michael Mauro (Transportation Planner)

Chairman Chris Murphy called the meeting to order at 7:10 p.m.

1. MEETING MINUTES

Commissioners Present: J. Breckenridge, P. Cabana, E. Hammarlund, F. Hancock ,C. Murphy, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

Minutes of February 9, 2012

Ned Orleans moved and it was duly seconded to approve the minutes of February 9, 2012 with corrections as noted. Voice vote. In favor: 7. Opposed: 0. Abstentions: 2. The motion passed.

2. LAGOON POND DRAWBRIDGE – OAK BLUFFS AND TISBURY – STATUS REPORT

Commissioners Present: J. Breckenridge, P. Cabana, E. Hammarlund, F. Hancock, C. Murphy, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

Melinda Loberg, Chairman of the Lagoon Pond Drawbridge Committee gave a status report about the design and construction of the permanent drawbridge.

- In 2003 the Commonwealth informed the towns of Oak Bluffs and Tisbury that it intended to replace the aging drawbridge.
- The two towns asked to the MVC to facilitate a committee to coordinate with

- Mass Highway (now Mass DOT) and they appointed members to the Lagoon Pond Drawbridge Committee. Since then, the Committee has worked closely with the MVC staff work with the state on the project.
- A number of public meetings as well as formal public hearings were held throughout the process of designing both the temporary and permanent drawbridges. There was a formal hearing at the 25 percent design stage of the permanent drawbridge.
- Public concerns expressed throughout the process include the following.
 - The bridge should blend in with the environment. The result is a low profile design .The public also expressed concern about the amenities and the aesthetics of the bridge.
 - People wanted to make sure that their boat fit under the bridge. The middle, highest section is fixed and a boat that is 19 feet above the mean high water will fit when the bridge is not opened.
- She showed the latest set of plans.
 - The bridge tender's house has a hip roof, cedar shingles with white trim, and numerous windows for visibility.
 - The abutments will be in concrete with a pattern and color to match typical Island stones.
 - Fencing will be a simple grayish/green color that will blend with the sky and the water.
 - The state wants to acquire land adjacent to the bridge which is currently a private residence to make a small park for Island residents.
 - There is a path around the perimeter of the bridge and a lot of access for pedestrians in and around the bridge to enable access from the Lagoon Pond side to the harbor side without having to use the roadway.
 - The state will redo the strip of land next to Eastville Beach to make it harmonize with the other vegetation.
 - Landscaping materials chosen for the project will low-maintenance and indigenous to the Island. A list of the vegetation to be used is still being reviewed.
- The monies for construction are in the state Transportation Improvement Program.
- The schedule for construction is as follows:
 - The state must apply for permits by the end of February 2012.
 - Request for bids for the construction of the bridge will be in September 2012.
 - Construction will begin in the winter of 2013.
 - It will take two to three seasons to complete the bridge. Completion is expected 2015 – 2016.
 - Last week a presentation was given at the All Island Selectmen meeting and the project was well received.
- She encouraged town boards and members of the public to contact the MVCs Staff if they have questions or comments regarding the design features.

Chris Murphy noted that this is not a public hearing; it is a presentation to keep us in the loop.

Chris Murphy asked how she felt the process worked. **Melinda Loberg** said it was a long process but was fun and educational. The two towns worked well together, the state was very responsive, and the Committee got almost everything that was asked for.

Erik Hammarlund commented that the project looks good and it is an improvement over what we had and currently have.

Melinda Loberg thanked the MVC staff for their assistance and support.

Ned Orleans commented that Melinda and her Committee deserve a prize for their patience and fortitude.

3. VINEYARD GOLF COURSE RE-CONFIGURATION – EDGARTOWN (DRI-484-M7) MODIFICATION REVIEW

Commissioners Present: J. Breckenridge, P. Cabana, E. Hammarlund, F. Hancock, C. Murphy, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

For the Applicant: Martha's Vineyard Golf Partners, LLC, The Vineyard Golf Club; Sean Murphy (Lawyer)

3.1 Staff Report

Paul Foley gave the Staff Report.

- The proposal is the re-configuration of the golf course including relocating the 7th and 8th holes and eliminating the flyover and cart path from the frost bottom between them.
- The site plan was reviewed.
- The reconfiguration will include taking 9.47 acres out of the golf course area and put into various forms of conservation while the 1.35 acres will be taken out of the frost bottom buffer and the 0.32 acres out of the Frost Bottom itself and converted to part of the golf course.
- 2.32 acres will convert from the golf course (Hole 8) and be restored to native vegetation.
- .081 acres of the frost bottom will no longer be a "flyover" area (Hole 8).
- Key issues include:
 - Is this a significant change to the original DRI 484?
 - How significant are the new protections to the land (8.73 acres) going from golf course conservation to a Conservation Restriction and managed as Frost Bottom buffer? The majority (8.73 acres) of supposed newly protected area is already partially protected in that any changes would have to be approved by the MVC.
- The wastewater is hooked up to the Edgartown Wastewater Treatment Facility.
- MVC staff would recommend waiving the need for a traffic study if this project went to a public hearing.
- By 2008 the applicant's offer to allow charity tournaments had generated over \$635,500 for several Island non-profits. The applicant has also paid \$25,000 annually (adjusted to CPI) to the Town of Edgartown in lieu of taxes.

3.2 Land Use Planning Committee (LUPC) Report

Doug Sederholm, Chairman of the LUPC gave the report:

- A pre-public hearing was held.

- LUPC voted unanimously to recommend to the full Commission that this is within the scope of the approved DRI and does not require a public hearing review as a Development of Regional Impact.
- It is a good plan that increases the amount of land under a conservation restriction.
- Sheriffs Meadow was comfortable with the plan and they protect the frost bottom.

3.3 Water Quality Report

Sheri Caseau, Water Resources Planner, said that the Vineyard Golf Review Committee is meeting and they will address issues related to the enforcement of the original conditions.

3.4 Applicants' Presentation

Sean Murphy gave a summary of the project:

- He reviewed the current layout, the proposed site plan, and what areas are under conservation restriction. An overlay was shown of the current course versus the proposed changes.
- They want to amend/change the delineation of the frost bottom. The proposal will eliminate the public crossing the frost bottom. Currently there are 4000 trips in the summer.
- The current limited building area will be put back in the frost bottom conservation area.
- Sheriffs Meadow will continue to administer the frost bottom.
- Several approvals are needed on the project. Once the MVC approves, the Edgartown Conservation Commission will need to sign off, as well as the Secretary of Environmental Affairs. They have filed with the Commonwealth of Massachusetts, MEPA, and the Natural Heritage of Endangered Species Program.

Doug Cooper of Cooper Environmental Services was asked by the Vineyard Golf Course to review the environmental impacts.

- There was a wealth of information for the project.
- The site was visited to review the portions of the site that would be altered. It was found that these areas were consistent with what the researchers had found.
- Other parts of the course were looked at for restoration to foster new native growth where it may have been disturbed.
- The frost bottoms are low areas that were created due to the glacier's melting ice. Now these areas are lower than the current landscape. There are now microclimates that are unique to those spots. In a frost bottom, you get a barren type of vegetation that is different to the other surrounding landscape.
- The frost bottom relies on the protection of the buffer zones around it, which are characterized by larger Oaks and Pitch Pine. This proposal restores some of the buffer zone and creates a nicely integrated buffer zone with the frost bottom.
- It is a good project with a large factor of success.

Adam Moore, Executive Director of the Sheriffs Meadow Foundation, summarized its role in the project.

- The Sheriffs Meadow Foundation holds a deed of conservation restriction on the Vineyard Golf Course.

- They work with the Edgartown Conservation Commission and the Natural Heritage Endangered Species Program.
- They are in favor of the proposal and are excited to see this go forward.
- There are 23 regulated state animals and plants that live in this area.
- It is a unique resource and this plan will benefit from the project.

Fred Hancock asked if they were supervising in the long run to ensure the success of the vegetation. **Adam Moore** confirmed that they are.

Sean Murphy summarized that the approval for the reconfiguration of the frost bottom delineation will allow the revised areas to be restored.

Doug Sederholm asked Jeff Carlson to give a report on the nitrogen issue, since the Vineyard Golf Course has been monitoring and according to the staff report, the levels are still in excess of the approved limits.

Jeff Carlson of the Vineyard Golf Course gave the following update.

- The required nitrogen condition is that the golf course not to contribute more than 1 part per million to the groundwater.
- In the November 2011 report, the groundwater nitrogen level spiked upward from the first three years.
- Since then it has stayed even and in January 2011 it started to show a small decrease.
- In May 2011 when it went to 2 parts/million the golf course put together a list of proposals that would impact nitrate levels with a five year plan.
 - To stop fertilizing 20 acres of the property.
 - To fertilize the grass during the growing season only, starting on May 30 and stopping by September 15 -30.
- Not only has the time been reduced also the amounts have been reduced.
- They are seeing a net reduction that they believe will get them back to the 1 part/million.
- It is an aggressive goal.

John Breckenridge asked if they are using organic nitrogen fertilizers. **Jeff Carlson** said yes and they found that they work better in warmer temperatures.

Doug Sederholm moved and it was duly seconded that the proposal is within the scope of the approved Development of Regional Impact (DRI) and does not require a public hearing for a DRI. Voice vote. In favor: 8. Opposed: 0. Abstentions: 0. The motion passed.

Linda Sibley moved and it was duly seconded to approve the changes as presented. Roll call vote. In favor: J. Breckenridge, P. Cabana, E. Hammarlund, F. Hancock, N. Orleans, D. Sederholm, L. Sibley, B. Smith. Opposed: none. Abstentions: none. The motion passed.

4. NEW BUSINESS

Commissioners Present: J. Breckenridge, P. Cabana, E. Hammarlund, F. Hancock, C. Murphy, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

4.1 2012 Island-Wide Housing Needs Assessment

Chris Murphy asked that the Commissioners read the memo from Christine Flynn regarding the 2012 Island-Wide Housing Needs Assessment. Last year this did not work because Edgartown voted not to approve it and four other towns voted to approve only if all the towns agreed. Therefore, a new plan is needed. If the MVC is to contribute monies to this assessment we need to get the towns to act upon it. He asked that the Commissioners go back to their towns to find out how they want to handle this issue. The Housing Needs Assessment is necessary in order to make good decisions. A new game plan is needed. Please ask the towns what and how to do it.

Ned Orleans asked what happens if all the towns do not agree. **Chris Murphy** said there would be an impact, what happens in one town will affect all towns. Other towns can make good decisions without an Island-wide study. The MVC has monies available to contribute, but they need to be used by the end of the year. It is simply a question of moving this forward.

4.2 Scheduling

Paul Foley asked if we want to tentatively schedule a meeting for next week for Cronig's Solar. **Chris Murphy** said we should put it on the agenda, but we need the written decision from the state Ethics Commission about how to proceed.

Doug Sederholm noted that there is a LUPC meeting scheduled during the school vacation week for the post public hearing on the Tisbury Farm Market.

4.3 Discussion

Fred Hancock noted that the Commission meeting times were revised a couple of years ago and changed to 7:00 p.m. However, the bylaws state that the meeting times are 8:00 p.m. in the summer and 7:30 p.m. in the winter. He suggests that the bylaw be amended to state that the meetings are at 7:00 p.m. and there is no ending time. This bylaw amendment will be voted at the next meeting.

Erik Hammarlund said it might make sense to read the bylaws before we vote. **Fred Hancock** read the regular meeting section of the bylaws.

Chris Murphy stated that a notice regarding the amendment will appear on the next agenda.

The meeting was adjourned at 8:10 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting-Draft; February 9, 2012
- Oak Bluffs – Tisbury Beach Road over Lagoon Pond Landscape Design – Progress Design – Design Elements - December 2011
- Martha's Vineyard Commission – DRI # 484-M7 Vineyard Golf Course Reconfiguration – MVC Staff Report – 2012-02-16
- Memo from Christine Flynn Dated February 9, 2012 – 2012 Island-Wide Housing Needs Assessment

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Murphy

Chairman

3/22/12

Date

Buck

Clerk-Treasurer

3/22/12

Date