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Minutes of the Commission Meeting Held on December 19, 2013 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

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

P Tripp Barnes (E-Tisbury)	P Joan Malkin (A-Chilmark)
P John Breckenridge (E-Oak Bluffs)	- W. Karl McLaurin (A-Governor)
P Christina Brown (E-Edgartown)	- K. Newman (A-Aquinnah)
P Madeline Fisher (E-Edgartown)	- Ned Orleans (A-Tisbury)
P Josh Goldstein (E-Tisbury)	- Camille Rose (E-Aquinnah)
P Erik Hammarlund (E-West Tisbury)	P Doug Sederholm (E-Chilmark)
P Fred Hancock (A-Oak Bluffs)	P Linda Sibley (E-West Tisbury)
P Leonard Jason (A-County)	P Brian Smith (A-West Tisbury)
P James Joyce (A-Edgartown)	

Staff: Mark London (Executive Director), Bill Venno (Senior Planner), Paul Foley (DRI Planner), Priscilla Leclerc (Transportation Planner).

Chairman Fred Hancock called the meeting to order at 7:05 p.m.

1. NOVA VIDA ALLIANCE CHURCH EXPANSION - OAK BLUFFS (DRI 603-M3) DELIBERATION AND DECISION

Commissioners Present: T, Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Malkin, D. Sederholm, L. Sibley, B. Smith.

Leonard Jason, Trip Barnes, Joan Malkin, and Madeline Fisher excused themselves from the meeting.

Fred Hancock, Chairman noted this is a modification of an existing DRI and if the modification is not approved, the current approved DRI is in effect until September 2014.

There was a discussion about the approved DRI.

- **Josh Goldstein** asked if the approved DRI can be modified.
- **Fred Hancock** said the applicant could request a modification to the approved DRI but the Commission could not modify it on its own.
- **Brian Smith** noted that Commissioners do not have to accept all offers of the modification.

1.1 Staff Report

Paul Foley presented the following.

- The packet of information includes the LUPC meeting notes from December 16, 2013, the applicants offers, correspondence that has been recently received, the site plan, and square footage comparisons.
- The site plans were reviewed for June 2013, August 2013, and November 2013.
- In November 2013, the leaching field was added to the plans but the roadways became wider and that was a concern at the LUPC meeting.
- The perspectives of the existing building and the new building were reviewed.
- The proposed plan previously included a full 4,500 sf basement for a total gross square footage of 16,084 gsf. The proposal is now showing the basement as crawl space except for 150 sf of mechanicals.
- A photo was shown of the existing building with a taped area of the proposed building which indicates the vegetation that would be removed.
- A rendering of the 2008 approved building was reviewed.
- The approved 2008 site plan was reviewed.

Erik Hammarlund asked how high the wall is for the new building. **Paul Foley** said from 24 feet to 9 feet.

1.2 Land Use Planning Committee Report

Fred Hancock presented the following.

- Two members voted to recommend approval of the modification and two abstained.
- LUPC looked at the changes in the proposed offers from the 2008 proposal and reviewed if the changes were a detriment or a benefit to the project.

John Breckenridge asked if there will be a review tonight of the proposed offers. **Fred Hancock** confirmed there would be a review.

1.3 Offers

There was a discussion about the printed copy of the offers.

- **Linda Sibley** asked if the copy the Commissioners received of the offers reflected the few minor clarifications that were agreed to by the applicant at the LUPC meeting.
- **Paul Foley** said the copy of the offers is the same as what was handed out at the LUPC meeting.
- **Mark London** said the two additions were not added to the copy that is being reviewed but they can be found in the LUPC motion.
- **Fred Hancock** noted that the Commission is looking to see how the current project compares to the original project and it is assumed that the approved project already meets the MVC DRI Policies.

Fred Hancock conducted a review of the December 16, 2013 proposed offers.

Landscaping

- **Linda Sibley** asked if the motion at the LUPC meeting considered the parking spaces and the width of the roadway to be part of the Landscaping Plan. **Fred Hancock** noted it is in the motion and it will be kept in mind with the landscaping offers.
- **John Breckenridge** noted that he has compared the 2008 offers to the current and it appears that only 1e. is an addition.

- **Christina Brown** believes lighting should be included in the landscape plan.
- **Fred Hancock** noted that the MVC would be looking for LUPC approval of parking, access, lighting, and landscaping.
- **Christina Brown** suggested that the parking plan come back to the full Commission for approval of the complete site plan.
- **Linda Sibley** added that LUPC would be looking at a landscaping plan that reflects all of the conditions.
- **Erik Hammarlund** felt that the MVC needs a copy of the 2008 offers in order to do a comparison.
- **Brian Smith** felt that 1d. and 1g. could be combined since it appears to be the same fence. **Erik Hammarlund** agreed.
- **Christina Brown** is happy to leave the applicants landscaping offers as written if they are not conflicting.
- **Doug Sederholm** did not want to change the applicants landscaping offers.
- **Christina Brown** clarified that since the MVC does not edit or change an applicant's offers the Commission will add the lighting to the landscaping plan as a condition.
- **Christina Brown** noted that if the MVC is quiet on what the surface of the handicap parking spaces should be, the applicant can come back with whatever they want.
- **Mark London** said that that was the intention, since regulations may change and this would avoid forcing the applicant to come back for this minor change.
- **Fred Hancock** noted John Breckenridge had pointed out that the difference in the landscaping offers for the current project is minimal in comparison to the 2008 project.

Equipment and Commercial Kitchen

- **John Breckenridge** questioned the language "if necessary " in 2c. with reference to grease traps.
- **Josh Goldstein** said in the Town of Tisbury the Board of Health requires that the grease trap be pumped out.
- **Doug Sederholm** asked how "if necessary" would be determined.
- **John Breckenridge** said the Board of Health would oversee the pumping of the grease trap.

Noise

- **John Breckenridge** noted there has been a fairly substantial change in 3b., which required satisfying state DEP and Town regulations. That should be part of the offers.
- **Fred Hancock** said this could be a MVC condition. The Commission has said before that the MVC would reference the acoustical document in the decision.
- **Mark London** said that during the LUPC review, it was suggested that the reference to DEP and Town regulations be removed for being unnecessary, since all applicants are required to obey the law.
- **John Breckenridge** thinks the MVC should keep the recommendation as a condition for the sake of the abutters and for consistency with other church applications.
- **Doug Sederholm** noted if the recommendations are a condition, the MVC will be in a position to enforce them.
- **Christina Brown** said the MVC needs to reference the Massachusetts noise regulations and accept the applicants offer similar to what the MVC did last time by including

implementation of the recommendations of the acoustical engineer. At the LUPC meeting the applicant clarified to reference the acoustical engineer document as submitted.

- **Erik Hammarlund** noted that previously the applicant offered not to impose noise on the residential neighborhood and now the applicant is offering to “endeavor” not to impose noise. It may be difficult to enforce that offer with the language “endeavor”.

Daycare

- **Fred Hancock** noted that the daycare offer has been deleted since it is no longer part of the project.

Community Room and Other Spaces

- **Christina Brown** noted the offer is almost the same and it is beneficial that it includes the phrase in 6a. “as overseen by the church”.

There was a discussion about offer 6d. and the use of the apartment.

- **Doug Sederholm** referred to the language in 6d. and said as presented in the Staff Report, this would be a parsonage. That would be the family of a clergy person associated with the church. He voiced concern of who the apartment would be rented to.
- **John Breckenridge** clarified that the definition of a parsonage is a dwelling for its pastor. A single-family dwelling can rent rooms to three unrelated persons as regulated by Oak Bluffs zoning.
- **Paul Foley** said if there are more than three unrelated persons renting rooms, then a Special Permit is needed as a boarding house.
- **John Breckenridge** noted on January 8, 2013 the Applicant Narrative indicated the apartment would be a parsonage.
- **Linda Sibley** said the MVC has had an issue for a number of years that when people testify to something, is it enforceable if it is not referenced in the decision. She suggested that after the offers are reviewed the Commission should look at this issue and in the decision reference the testimony that the apartment would be used as a parsonage.
- **Christina Brown** asked if the proposed development in the January 8, 2013 Applicant Narrative is part of the application.
- **Fred Hancock** said it will serve as such.

There was a discussion about the use of the community room.

- **Erik Hammarlund** said the major difference in the Community Room 2008 offers is the church services were restricted to three per week and now it is not specifically restricted and the community room would have unlimited use.
- **Doug Sederholm** said the use is defined in offer 6a. “As offered by the applicant, the Community Room shall only be used for church-related activities which may include: gatherings after a sanctuary activity, learning functions and classes for parishioners, and social interaction as overseen by the church”.
- **Erik Hammarlund** said as a functional note, the community room is always used as church related activities but previously the activities were correlated with the church services and they no longer are.
- **Doug Sederholm** felt it did not matter as the church will be using the community room for church-related activities and it could be twenty times a day.

Exterior Lighting

- **Fred Hancock** said as noted previously the MVC could condition that the lighting has to come back to LUPC.
- **Brian Smith** said that on the previous decision (2008) offer 10b. has now been eliminated.
- **Doug Sederholm** noted the applicant did not come back for a modification so they are out of compliance.
- **Erik Hammarlund** said if the MVC approves the current modification it won't matter. However, if the current proposal is not approved, it will.

Renovation

- **Christina Brown** said the renovation process section of the 2008 approval is no longer relevant for the current proposal.
- **Fred Hancock** said it does not apply to the current project.

Traffic, Parking, and Access

- **John Breckenridge** said as discussed during the review of the landscape plan, the site plan is to be approved.

There was a discussion about commercial vehicles on the property.

- **Fred Hancock** said offer 8g. was discussed at LUPC and asked what the Oak Bluffs zoning law says about a R3 District and Commercial Vehicles.
- **Paul Foley** said a Special Permit can be obtained and every tenant can have two vehicles under 15,000 lbs. gsw. He read the Oak Bluffs zoning law.
- **John Breckenridge** said the law would apply with regards to the parsonage but would not apply to tenants; however, there would not be any tenants.
- **Linda Sibley** said the relevance is the impact to the residents of the community and the occupants of the parsonage could have multiple trucks and asked if the zoning law is per resident or residence. After re-reading the law the limitation appeared to apply to the residence.
- **Erik Hammarlund** suggested conditioning the number of commercial vehicles since the project would have more impact to the neighborhood versus what a residential house would have.
- **Doug Sederholm** said it is up to the MVC and the Commission can condition it anyway it wants.
- **Josh Goldstein** said the MVC wants to prevent large vehicles from parking but everyone has friends with F250 trucks with commercial plates. He agreed that there should be a limit for the "ginormous" vehicles but it can't be eliminated.

Alternate Site Access

- **Christina Brown** said one of the benefits is the applicant is now offering to make an agreement to implement a shared access as quickly as possible.

Wastewater and Nitrogen

- **John Breckenridge** said offer 10b. used the language "periodic inspection" but perhaps there should be a condition for a yearly inspection to be as precise as possible.
- **James Joyce** noted the offers state the use of a well and the old (2008) offers does not allow for a well.

- **Fred Hancock** said the 2008 offers did not allow a well because the applicant was using the water records to determine wastewater.
- **Christina Brown** noted the composting toilets will really reduce the nitrogen and are a good thing.

There was a discussion about the grease traps.

- **James Joyce** said the 2008 offers state the grease trap will be inspected quarterly and the new offers states twice a year.
- **Christina Brown** asked what the Town requires.
- **Fred Hancock** felt it would be under the authority of the Board of Health.

1.4 Commissioners' Discussion

Linda Sibley suggested the MVC might want to compare certain aspects of the project and the impact on Ryan's Way such as the current design of one way in and out versus the previous design of one entrance and one exit.

There was a discussion about the impact of the daycare on traffic.

- **Fred Hancock** said that LUPC had noted that the amount of traffic would be the same but with the removal of the daycare, there should be a reduction in the traffic.
- **Erik Hammarlund** said the daycare was 24 people and the community room is 35 people and asked what number was used to determine traffic reduction.
- **Brian Smith** said the church activities haven't changed but the daycare has been removed.
- **Doug Sederholm** agreed with Brian Smith that the absence of a daycare that was used five days per week would reduce the traffic.

There was a discussion about the use of the community room.

- **Erik Hammarlund** said the job of the MVC is to approve or not approve the project and the applicant could sell the property tomorrow to another church that would use the community room more extensively. It is ludicrous to assume the community room will only be used as the church will use it. The applicant's attorney agreed the community room could have unlimited use.
- **Brian Smith** said there are 85 parishioners and they probably work so who would potentially be using this room all the time.
- **Linda Sibley** said perhaps Erik Hammarlund should make a motion to condition this because this could be a loophole impacting traffic and noise.

John Breckenridge noted that as the comparison and review of the offers was done the MVC noted that some offers may be conditioned and suggested that now may be a prudent time to do that because the conditions could alter how the Commission looks at the benefits and the detriments.

1.5 Benefits and Detriments

There was a discussion about the process for reviewing the benefits and the detriments.

- **Fred Hancock** thought the process should be a discussion about the benefits and the detriments of each offer because the project is a large modification of something that has been approved and the MVC should go through a deliberative process.

Wastewater and Groundwater

- **Fred Hancock** said LUPC noted that the proposal would implement nitrogen reduction techniques immediately instead of waiting until certain thresholds were reached.
- **Doug Sederholm** said he is considering imposing a restriction of 140,000 gallons since this is a project in an impaired watershed.

Doug Sederholm moved and it was duly seconded to condition the offers that based on the water meter records submitted to the Commission every six months, if the average annual water usage in any two-year period exceeds 140,000 gallons per year, the applicant shall return to the MVC with proposed nitrogen reduction measures to reduce nitrogen to no more than the grandfathered amount of 17.9 kg/year. Voice vote. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.

- **Erik Hammarlund** felt the MVC needs to put a limit on the amount of water used for landscaping as he questioned if the Commission wants an unlimited use of the well.
- **Linda Sibley** felt that should be addressed under landscaping.

Doug Sederholm moved and it was duly seconded that there be maintenance contracts for the composting toilets which will require annual inspection and maintenance and the applicant is to submit inspection reports as required by the MVC. Voice vote. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.

- **Fred Hancock** noted the surface water plan is being submitted to LUPC for approval and, with the conditions, the benefits outweigh the detriments.

Open Space and Habitat

- **Fred Hancock** said LUPC determined that this was a significant detriment. The increase in building footprint and parking and roadway areas result in a considerable reduction in the overall proportion of the property being used for natural vegetation.

Night Lighting, Noise

- **Erik Hammarlund** said noise is tied to the use. The building is much more sound proof.
- **Fred Hancock** said with the design of the parking the building is now a buffer to the neighbors.

Doug Sederholm moved and it was duly seconded to approve the noise offer by incorporating 4a. of the 2008 offers "no activities to exceed (insert the local noise regulations)...". Voice vote. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.

- **Linda Sibley** said it is important that there be a time period for limiting activities as it affects the noise and night lighting. One of the closest abutters wrote that it makes a big difference to the homes that the lights are off at 9:00 p.m.

Doug Sederholm moved and it was duly seconded to condition the offers that the church shall implement the recommendations of the acoustical engineer that the applicant had hired and the acoustical engineer shall certify to LUPC that all recommendations have been implemented by the time the Certificate of

Occupancy is issued. Voice vote. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.

- **Linda Sibley** said one of the problems at LUPC was there was no one arguing why the proposal is not an improvement.
- **Erik Hammarlund** said if an enormous building is built a use will be found. The building will be busier with more noise and traffic. Clearly the building is better but he does not think it is a benefit.

There was a discussion about the building size.

- **Brian Smith** said generally an applicant comes for a modification because their business plan had changed or the scope has changed, but a new need is not being accomplished so why would the MVC impose a larger building on the neighbors with no additional benefits.
- **Christina Brown** said the prior approved sanctuary was 150 seats and the new building is 150 seats yet the building is larger.
- **Brian Smith** noted the applicant has said the congregation is smaller but the building is bigger.
- **Fred Hancock** noted that when an applicant comes to the MVC with a proposal to expand their business, does the Commission ask whether they really need to do this; it is not something the MVC typically asks the applicant.
- **Brian Smith** said the MVC may question the need to do it such as why increase the building if your business is decreasing.
- **Linda Sibley** said the Commissioners need to look at the applicant's offers of usage of the facility to accommodate more people and whether they would use the sanctuary and the community room at the same time. The MVC needs to look at what the applicant has said to see if the applicant would ever use the full capacity of the building at one time.
- **Doug Sederholm** said based on a comparison page by page of the Staff Report, the footprint is larger but the total square footage of what was approved and what is proposed is 39% larger. The basement has no real change but the first floor has a substantial change. The second floor is now an apartment and it use to be the sanctuary. The second floor will be a residence for clergy.
- **Christina Brown** said the basement in the approved plan is going to be used for an activity such as school. In the new plan the basement is designated as storage. The footprint is a lot bigger, the useable square footage has the same usage but it is spreads out a lot more.

Doug Sederholm moved and it was duly seconded to condition the use of the three bedroom apartment and limit its use as a single family residence for clergy serving the church and his/her family. Voice vote. In favor: 7. Opposed: 0. Abstentions: 2. The motion passed.

- **James Joyce** said the building is a negative and is a detriment since it is 40% bigger
- **Brian Smith** agreed with James Joyce and also noted it will use more energy.

Traffic and Transportation

Doug Sederholm moved and it was duly seconded to condition offer 8g. to say that no more than two commercial vehicles be parked overnight on the site and

they must be owned or operated by an occupant of the parsonage. Any commercial vehicle parked overnight shall be parked out of sight and be screened from the abutters. Voice vote. In favor: 8. Opposed: 1. Abstentions: 0. The motion passed.

Christina Brown moved and it was duly seconded that the access road to Ryan's Way be no more than 18 feet wide. Voice vote. In favor: 7. Opposed: 0. Abstentions: 2. The motion passed.

Christina Brown moved and it was duly seconded that parking spaces 16, 17, 18 and 19 adjacent to Ryan's Way and the property line be moved so there is an eight foot buffer between the edge of the property and the parking space. Voice vote. In favor: 7. Opposed: 0. Abstentions: 2. The motion passed.

- **Christina Brown** asked if the MVC has made a restriction on any other non-profits that parking can only be used for the church.

Erik Hammarlund moved and it was duly seconded that all parking on site be only for church and resident purposes. Voice vote. In favor: 3. Opposed: 6. Abstentions: 0. The motion did not pass.

Landscape

Linda Sibley moved and it was duly seconded that the landscape plan come back to LUPC for approval. Voice vote. In favor: 4. Opposed: 5. Abstentions: 0. The motion did not pass.

Doug Sederholm moved and it was duly seconded that the landscape plan, the parking plan, and the lighting plan come back to LUPC for review and approval before construction begins. Voice vote. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.

- **Josh Goldstein** asked why these issues don't come back to the full Commission is they are such important issues and there were only four Commissioners at LUPC.

Scenic Values

- **Linda Sibley** and **Christina Brown** said the approved project and the proposed modification provide for a vegetated buffer along the Edgartown-Vineyard Haven Road. The wording should say offer "an opportunity" rather than "ample depth" to screen the building from the road.

Character and Identity

- **Linda Sibley, Doug Sederholm** and **John Breckenridge** agreed the proposed project is a detriment with respect to character and identity.
- **John Breckenridge** said the proposed project is much larger than the buildings on Ryan's Way.

There was a discussion about the architectural style of the building.

- **James Joyce** said the architecture of the building is out of character.

- **Erik Hammarlund** said he did not feel the architectural style is a factor with regards to the other buildings in the area. The language does not reflect the building is in a residential area.
- **Linda Sibley** said this is a touchy subject. People will point out that “traditional” churches are in residential neighborhoods. It is not a bad thing to have a church in a residential neighborhood. But what has happened in this area is that it has zoned itself to have institutional structures. It is not beneficial as a whole to have this strip of institutional buildings and there is no other place on the Island that has this identity.
- **Erik Hammarlund** added that this section of road is not typical of the Island.
- **Josh Goldstein** asked if the MVC is controlling development on that section of the Edgartown-Vineyard Haven Road that is conducive. The ultimate factor is where does the MVC want this type of scale.
- **Fred Hancock** noted two lots down there is a church and there is a possibility of another church next to this project. These are the locations that are left to build these structures.
- **Josh Goldstein** asked whether this is what the MVC wants the development of this land to be.

Impact on Abutters

- **Doug Sederholm** said he did not see how the first bullet under Impact on Abutters of the LUPC benefit and detriment review is neutral; “Overall, the anticipated detriments of the modified project on abutters should be equivalent to the anticipated benefits”. He felt the current project is more detrimental.
- **Brian Smith** noted that the majority of abutters felt the project is a detriment.

Low and Moderate Income Housing

- **Linda Sibley** said the MVC does not have a way to judge the impact of the project on low or moderate income housing.
- **Doug Sederholm** said the first bullet from the LUPC benefit and detriment review should be revised to “the project now includes a three bedroom parsonage” and the language “which could be considered workforce housing” be deleted.

Erik Hammarlund moved to condition the Community Room can be used no more than 25 hours per week and locked when not in use. There was no second.

1.6 Decision

Doug Sederholm moved and it was duly seconded to approve the project with the accepted offers as clarified and as conditioned.

- There was a general discussion noting the following:
 - There is an improvement to wastewater.
 - It is a bigger building with the same size sanctuary (150 seats) but provides more room.
- **Doug Sederholm** said he is not in love with the project but he is not convinced the detriments outweigh the benefits, especially with respect to engaging in church-related activities which is not an unreasonable use of a church.

- **Brian Smith** said people were primarily against the project due to the size and the location. There was little testimony as to why the church needs such a large building.
- **Doug Sederholm** said there does not have to be a compelling need for it.
- **Brian Smith** said the proposal is a modification and the applicant apparently needs a bigger building to carry out its operation.
- **Doug Sederholm** said what gives him pause is if the visual impact on the neighbors would be greater.
- **John Breckenridge** noted the previous approval in 2008 had strong conditions but he is concerned that the MVC is voting for the project to cover wastewater.
- **James Joyce** said the applicant is lucky they are not building the church in Chilmark. The Island as a whole does not like large buildings. If the project is not built the church will not have a hardship. The approved building from 2008 can accommodate the 35 people attending a service as well as an increased attendance.
- **Doug Sederholm** clarified the correct number of parishioners is 80 to 85.
- **Erik Hammarlund** said he wants to respect that the church should be able to build what they want to build but on the other hand the potential need for larger use could be detrimental and is contradictory. The applicant is pushing the use to the maximum and he has tried hard to have the applicant set limits. The MVC is essentially approving unlimited use for this building. If there is an enormous building without a lot of serious restrictions the building will be used. He is sure the church is not planning for unreasonable use but the proposal is saying the use is unlimited.
- **Fred Hancock** stated he didn't think the MVC meant to say the applicants didn't deserve this project. He did not feel it can be said that a room in a church can't be used and should be locked when not in use, and asked how that would be enforced.
- **Doug Sederholm** is definitely not in love with the project which is why he has moved more conditions than any other project in his eleven years on the MVC. It is reasonable use of the property for church related activities even though it is at its stretched use. He does not know what else the MVC can do to balance the interest of the neighbors with the interest of the applicant. He is willing to let the applicant use the Community Room as a part of the church and is not willing to limit the use of the room.
- **Brian Smith** said there are a lot of good things that came out of this modification except the bulk of this building and the overall size. If the proposal is not approved, the applicant could come back with a building that is more in tune and in character with the community and the Island. The MVC has an obligation to the community to not allow a massive building of this scope.

Linda Sibley moved and it was duly seconded to extend the meeting for ten minutes. Voice vote. In favor: 8. Opposed: 1. Abstentions: 0. The motion passed.

- **Linda Sibley** said she finds it interesting that the people that were here for the previous plan are a little more positive about this proposal. What she likes about this change in project is that the MVC has done a better job of conditioning the project. She is tempted to think the applicant needs the Community Room for obvious reasons for things that are not appropriate in the sanctuary but are still part of the religious activities. The old plan of the church was very awkward. However, she is stuck on the fact that the use of the

Community Room is poorly defined. The project is 90% there but there is still something missing and there are still loopholes.

- **Christina Brown** said with regards to the use of the Community Room, the offers under Church Services does somewhat define the use and has some limit and that language should also be repeated under the Community Room offer.
- **Linda Sibley** said the Community Room is potentially a giant loophole. The MVC has so carefully ensured the amount of the use of the church itself has been carefully described.
- **Erik Hammarlund** said the church clearly needs to be able to use the Community Room for daytime activities. The intrusion is the 7:00 a.m. usage and after 5:00 p.m. times when people are home.
- **Linda Sibley** and **Erik Hammarlund** said a discussion of the use of the Community Room is important as it could have an impact on their vote.
- **Doug Sederholm** said to assume the Community Room will have maximum use.
- **Erik Hammarlund** proposed to continue the deliberation and decision for the project.
- **Fred Hancock** and **Doug Sederholm** felt it is time to make a decision about the project.
- **Mark London** noted that since several Commissioners see the issue of how the Community Room is used as a critical issue, not resolving this might make the difference between whether the project is approved or denied.
- **Linda Sibley** said it is difficult to ask to continue the deliberation and decision. But considering how long this project has gone on and the MVC has invested so much time in this project, perhaps the MVC needs to invest a little more time to resolve this issue.

Linda Sibley moved and it was duly seconded to continue Deliberation and Decision until January 9, 2014. Voice vote. In favor: 2. Opposed: 6. Abstentions: 1. The motion did not pass.

- **Brian Smith** said the project is a huge building and wondered how many community groups would use the building. He is concerned it is a huge building and not necessarily concerned about the use of the Community Room.
- **Doug Sederholm** said the MVC did not condition the use of the Community Room for other churches.

Roll call vote on Doug Sederholm's motion to approve the project. In favor: C. Brown, F. Hancock, D. Sederholm. Opposed: J. Breckenridge, J. Goldstein, J. Joyce, B. Smith. Abstentions: E. Hammarlund, L. Sibley. The motion did not pass.

Linda Sibley asked if the vote meant that the project was denied, since the vote only indicated that the motion to approve failed.

Erik Hammarlund moved and it was duly seconded to extend the meeting for five minutes. Voice vote. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.

Trip Barnes, Madeline Fisher, Joan Malkin and Leonard Jason rejoined the meeting.

2. ELECTION OF OFFICERS

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Malkin, D. Sederholm, L. Sibley, B. Smith.

Linda Sibley Chairman of the Nominating Committee said the following Commissioners have been nominated; Fred Hancock for Chairman, John Breckenridge for Vice Chairman and Brian Smith for Clerk/Treasurer. There were no nominations from the floor.

Leonard Jason moved and it was duly seconded to approve the election of the nominated officers. Voice vote. In favor: 13. Opposed: 0. Abstentions: 0. The motion passed.

Linda Sibley and Doug Sederholm excused themselves from the meeting.

3. ISLAND FUELS 2ND STORY STAFF APARTMENT- TISBURY (DRI 566-M4) MODIFICATION REVIEW

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Malkin, B. Smith.

For the Applicant: Brian McBride

John Breckenridge moved and it was duly seconded to extend the meeting for 15 minutes. Voice vote. In favor: 11. Opposed: 0. Abstentions: 0. The motion passed.

3.1 Applicant's Presentation

Brian McBride presented the following;

- The proposal is to add a second story to the existing office building located on Evelyn Way.
- The current building is 1,188 s.f. and has a small office addition in the front of the building which is 208 s.f.
- The will be lifted over the main building by twelve feet in order to create the second floor.
- The apartment will have three bedrooms.
- There will be additional meeting space on the second floor. The living room would also double as a conference area.

3.2 Commissioners' Questions

Erik Hammarlund asked what the total increase in square footage would be. **Brian McBride** said the second floor would be no bigger than the existing footprint and is about 1,100 s.f.

Erik Hammarlund asked if the housing would be generic or employee housing. **Brian McBride** said the objective is it will be for the people who work for Island Fuel.

John Breckenridge asked if the housing would be for people inter-related with Brian McBride's business, for people who work with Island Fuel such as sub-contractors. **Brian McBride** confirmed it would be.

Erik Hammarlund said LUPC voted to recommend that the project does not require a public hearing. Wastewater goes to the harbor so there is no nitrogen limit on this area and it is Zone 2.

Christina Brown moved and it was duly seconded that the project is a minor modification and does not require a public hearing.

- **Erik Hammarlund** asked the applicant if he would be willing to agree to not put the apartment on the summer rental market.
- **Fred Hancock** note the applicant stated the intent of use is by the employees and not the general market.
- **Brian McBride** confirmed the apartment would not be a rental property.

Voice vote. In favor: 11. Opposed: 0. Abstentions: 0. The motion passed.

Christina Brown moved and it was duly seconded to approve the modification as proposed. Roll call vote. In favor: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Malkin, B. Smith. The motion passed.

4. LETTER OF SUPPORT FOR THE ISLAND HOUSING TRUST'S APPLICATION FOR COMMUNITY INVESTMENT TAX CREDIT AND COMMUNITY INVESTMENT PLAN

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Malkin, B. Smith.

Christina Brown moved and it was duly seconded to support the draft letter in support of the Island Housing Trust's application for Community Investment Tax Credit and Community Investment Plan. Voice vote. In favor: 11. Opposed: 0. Abstentions: 0. The motion passed.

The meeting was adjourned at 10:35 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Martha's Vineyard Commission, DRI # 603-M3 Nova Vida/Alliance Church Expansion MVC Staff Report – 2013-12-16
- DRI 603-M3 Nova/Vida Alliance Church Expansion 2013 Proposed Offers – December 16, 2013
 - Martha's Vineyard Commission Land Use Planning Committee Notes of the Meeting of December 16, 2013, DRI 603-M3 Nova Vida/Alliance Church Expansion – Post-Public Hearing Review
- Martha's Vineyard Commission Land Use Planning Committee Notes of the Meeting of December 16, 2013, DRI 566-M4 Island Fuels 2nd Story Staff Apt. – Modification Review
- Letter of Support for the Island Housing Trust's Application for Community Investment Tax Credit and Community Investment Plan, Dated December 20, 2013

Chairman

Date

2-6-14

Clerk-Treasurer

Date

2-6-14