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**Minutes of the Commission Meeting
Held on February 20, 2014
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)	P K. Newman (A-Aquinnah)
P Madeline Fisher (E-Edgartown)	- Ned Orleans (A-Tisbury)
P Josh Goldstein (E-Tisbury)	P Doug Sederholm (E-Chilmark)
- Erik Hammarlund (E-West Tisbury)	P Linda Sibley (E-West Tisbury)
P Fred Hancock (A-Oak Bluffs)	- Brian Smith (A-West Tisbury)
- Leonard Jason (A-County)	P James Vercruysse (A-Aquinnah)
P James Joyce (A-Edgartown)	

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Planner), Priscilla Leclerc (Transportation Planner), Sheri Caseau (Water Resource Planner), Christine Flynn (Economic Development and Affordable Housing).

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

1. MINUTES

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, D. Sederholm, L. Sibley, J. Vercruysse.

Christina Brown moved and it was duly seconded to approve the minutes of February 6, 2014 as written. In favor: 9. Opposed: 0. Abstentions: 2. The motion passed.

Fred Hancock introduced James Vercruysse the new appointed Commissioner for Aquinnah.

Katherine Newman joined the meeting.

2. ISLAND HOUSING TRUST 6 WATER STREET REQUEST (DRI 616) - SURRENDER REQUEST REVIEW

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, J. Vercruysse.

Fred Hancock said that the Island Housing Trust requesting to surrender the DRI approval on their property.

2.1 Staff Report

Paul Foley presented the following:

- The current owner of 6 Water Street in Vineyard Haven is requesting the MVC to rescind a 2008 DRI Decision that was never built.
- The 2008 Decision is still technically in effect due to the State Permit Extension Act.
- LUPC has recommended to the full Commission that the request to surrender DRI 616 should go to a public hearing review with the specific point to be discovered being whether or not any action has been taken on the DRI Approval or the property has in any other way been altered since the DRI approval.
- The Commonwealth's process also states the request to surrender should go to a public hearing.

Christina Brown moved and it was duly seconded to have a public hearing on the request to surrender the DRI 616 approval. Voice vote. In favor: 11. Opposed: 0. Abstentions: 1. The motion passed.

Paul Foley noted the public hearing can be advertised for March 6, 2014.

3. STOP & SHOP-TISBURY (DRI-89-M3) PUBLIC HEARING CONTINUATION (NO TESTIMONY)

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, J. Vercruysse.

Fred Hancock, Acting Public Hearing Officer opened the Public Hearing at 7:10 p.m. without taking any testimony and continued the public hearing to March 20, 2014, tentatively scheduled at 6:00 p.m. at the Tisbury Senior Center.

4. COTTAGE CITY BOWLING ON UNCAS AVENUE – OAK BLUFFS (DRI-646) PUBLIC HEARING

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, J. Vercruysse.

For the Applicant: Sam Dunn (Agent)

Linda Sibley, Public Hearing Officer opened the continued public hearing at 7:12 p.m. and reiterated the public hearing process.

Doug Sederholm recused himself as his law partner represents the applicant on other matters.

Linda Sibley noted James Vercruysse will sit in on the public hearing but will not participate in the event there may be a third public hearing and he has rehabilitated himself to then participate.

4.1 Staff Report

Paul Foley presented the following:

- The packet of information contains the revised Staff Report, offers received February 20, 2014, project plans, a packet of correspondence received after February 6, 2014, a

report from Cavanaugh Tocci Associates Inc. on sound control, and an excerpt from the Oak Bluffs 1985 Master Plan.

- The location and history of B-1 and R-1 zoning were reviewed. Paul Foley noted he spent time with Laurie Johnson, Oak Bluffs Assistant Town Clerk which was very helpful and he found the Oak Bluffs 1961 zoning map. In 1960 Kennebec Avenue was added to the B-1 district. Tradewinds was dropped from the B-1 district in 1978 and some spot zoning was also done. The Town of Oak Bluffs created a Master Plan in 1985.
- Since February 6, 2014 the MVC received 24 additional letters regarding the project.
- The applicant offers to limit the use of the event room from June 15 to September 15 to twice per week for events lasting about three hours. A maximum of 50 people would be allowed at any event.
- The lighting offers state:
 - There will be no exterior lighting on the south or west elevations.
 - The parking lot will be lit by existing streetlights and ambient lighting from the building.
 - Sign lighting will be gooseneck type.
- The applicant stated the following regarding noise issues:
 - The applicant engaged Cavanaugh Tocci Associates, Acoustics Consultants, the same consultants who developed the Dreamland protocol, to recommend sound mitigation to separate the noise, bowling noise from residential uses.
 - Walls adjacent to residential properties will be continuous and solid with no windows, doors, air vents or other openings.
 - The applicant agrees that the facility will not allow amplified live music on the premises.
 - Signage will be posted inside and in the parking lot advising customers that the facility is adjacent to residential uses and asking customers to avoid loud or boisterous behavior in the parking lot.
 - HVAC condensing units and bath exhaust fans will be located either facing the parking lot or B-1 zoning.
- The agent said they will pursue a third party contractor for solar photovoltaic panels on the roof. The offers state the “applicant will pursue this but does not guarantee that it will occur. In the event it does not occur the applicant will install conduits to the roof for future use.”
- With respect to environmental remediation, in a response to an inquiry about the status of the property by MVC Staff, Lisa Alexander of Massachusetts DEP responded: “the site was in Remedy Operation Status (ROS - either with an active or passive system) in part of 2003. On November 25, 2003 they sent in the last status report and terminated the ROS. They also filed a Class A-2 Response Action Outcome statement (RAO). A-2 indicates the LSP has certified that it’s cleaned up for unrestricted use, No Significant Risk (even though there may have been some low levels of petroleum remaining in soils/groundwater, it would be below our reportable concentrations and below our cleanup standards hence, unrestricted use).
- Parking offers state:
 - The parking lot will be exclusively for patrons of the bowling center.
 - Apartment residents will be encouraged to park on Hiawatha Avenue.

- Employees will park in the two tandem spaces available in the loading area or on the street.
- The applicant has not changed the Affordable Housing offer.
 - The applicant has offered to provide, on site, two affordable apartments that will be rented to an income qualified recipient at 80% or less than the Area Median Income on a year round basis.
 - The applicant has offered to work with the Dukes County Regional Housing Authority to monitor the two apartments.
 - The applicant has not made an offer regarding the monetary mitigation at this time.
- The offers state the opening hour will vary depending on demand but will not be before 9:00 a.m. No food, alcohol or bowling will be sold after 11:30 p.m. Friday and Saturday.

4.2 Applicant's Presentation

Sam Dunn presented the following:

- Over the last couple of weeks the open issues have been addressed with the MVC and the public comments have been addressed.
- An overwhelming number of letters that are coming in are either from abutters or visitors and it is important to make that distinction.
- With no effort on his part, over 300 additional resident signatures, for a total of 800 signatures, have been received on the petitions in support of the project, which reinforces the residents of Martha's Vineyard support for the project.
- Much has been made of the fact that the project is being crammed into a residential area. The area had been zoned B-1 and the residents or their predecessors asked to make their property residential. Based on history, this is not a project that has been placed in a residential area. As a developer he would not recommend to have anyone opt out of a B-1 zoning.
- The event room offer has been made and an acoustical engineer has been contacted. It is the same engineer that worked on the Dreamland project. Assemblies have been designed to be constructed in the building to absorb sound and will reduce the decibels by 60 decibels. Sound in the bowling alley would be equivalent to what is at this meeting or that of a private office.
- Oak Bluffs does not have a noise standard; they have laws about creating a nuisance.
- The sound engineer says the noise will be all but inaudible when it reaches the neighbors.
- There are no real changes to the plan regarding the apartments.

4.3 Commissioners' Questions

There was a discussion about noise.

- **Josh Goldstein** asked the applicant if he would be doing everything that is laid out in the sound report.
- **Sam Dunn** confirmed he would.
- **James Joyce** said the report states "Based on my analysis so far I think that the bowling sounds can be mitigated to a level that is inaudible at most times" and noted that "most times" is a wide opening.

- **Joan Malkin** asked at what time the sound might not be inaudible.
- **Sam Dunn** said he felt the sound engineer was covering himself with the statement.
- **Linda Sibley** asked for a more precise interpretation of the statement and also felt the MVC should know what the variables are.
- **Katherine Newman** said she is wondering what the noise is like when the doors are opening and closing.
- **Sam Dunn** said there are no doors on the residential side of the building. The facility is really a closed environment. Many of the houses are close to Circuit Avenue and the ambient noise from the street can be heard at those residences.
- **Josh Goldstein** said perhaps the sound engineer is covering himself by not giving absolute certainty.
- **Joan Malkin** asked that the MVC quantify that the noise offer is subject to review by LUPC.

James Joyce said he did not quite understand completely about the affordable housing apartments. Currently there are three apartments and in the future there will only be two apartments. **Sam Dunn** confirmed that is correct.

James Joyce asked what number of employees are full-time and part-time and where will they park. **Sam Dunn** said there will be a total of 12 to 25 employees depending on the time of year. There will be eight full-time employees. Employees will park on the street. He said based on his experience in operating restaurants, half of the employees will drive but there is no way to really know. Oak Bluffs zoning laws address how many parking spaces are needed for the project.

There was a discussion about operating hours.

- **John Breckenridge** asked what the allowable serving hours are with a full liquor license.
- **Sam Dunn** said it is 1:00 a.m. every day.
- **John Breckenridge** said the applicant is offering last call at 10:30 p.m. on Sundays and 11:30 p.m. on Friday and Saturday and noted there is no indication of when the patrons would be leaving.
- **Sam Dunn** said he is in the restaurant business and you don't kick people out even if the kitchen closes. The leaving time is something the patron decides. He would not allow someone to order six drinks at last call, all that would be served at last call is one drink.
- **Linda Sibley** said she was told that when applying for a liquor license, the applicant must state when last call is and when the facility closes. She asked the applicant if that is true, why is there a problem for him telling the MVC when the patrons would be leaving.
- **Sam Dunn** said he does not kick people out, they leave on their own and he is in a service business.
- **John Breckenridge** said he is not trying to put the applicant on the spot but he has to think the town fathers are thinking guests leave by a set time.
- **Josh Goldstein** added that patrons have to leave the facility approximately a half hour after last call.
- **Fred Hancock** asked when the bowling would stop.
- **James Joyce** asked if the patrons would continue to bowl after last call.

- **Sam Dunn** said the last bowling purchase would be 10:30 p.m. and the patrons would finish the game by 11:00 p.m.

John Breckenridge asked Sheri Caseau to recap how the nitrogen calculations were determined for the event room. **Sheri Caseau** said the nitrogen calculations were based on 50 people at 104 events per year, i.e. an average of twice per week year round. Based on that usage the nitrogen stays within the thresholds.

There was a discussion about the landscape plan.

- **Joan Malkin** asked what plants would be used for the five-foot-wide vegetative buffer.
- **Sam Dunn** said they would be waxberry evergreen shrubs which grow at least six feet tall and Honey Locust trees would be planted every 25 feet.
- **Joan Malkin** asked if that plan has been discussed with the neighbors on the north side of the project.
- **Linda Sibley** said the neighbors had asked for something that is substantially more than what the applicant is offering.
- **Linda Sibley** asked if the applicant had a drawing of the landscape plan and if the species were identified on the plan.
- **Sam Dunn** provided the plan and noted that a subsequent drawing shows the planting of the trees as mandated by the Oak Bluffs Planning Board. He added that the Planning Board had approved the Honey Locust trees because they are fast growing. The plan will be filed with the MVC showing the placement and the number of waxberry shrubs to be planted. His understanding was that the landscape details are discussed with LUPC.
- **Linda Sibley** said the final landscape plan is reviewed at LUPC but the MVC could tell the applicant beforehand that native species are to be used. She noted that Honey Locust trees are not native.

John Breckenridge noted the applicant has been before the Cottage City District and asked what was discussed regarding the exterior features of the building. **Sam Dunn** said the exterior will be HardiePlank board and batten, architectural series Andersen windows, a galvanized aluminum roof and painted wood trim. Originally the district had asked for shingles on the two sides facing the neighbors but at the last meeting the committee changed and would like HardiePlank on all sides. He has been told HardiePlank is terrific for sound issues.

4.4 Testimony from Public Officials

John Bradford, Chairman of the Oak Bluffs Planning Board said the applicant came before the Planning Board on two separate occasions. The first time was with the original plan with the parking lot on the far side of the property and the Planning Board questioned that plan. The applicant came back the second time for a Site Plan Review and flipped the parking lot location. The septic system will be contained under the parking lot as well as the drainage for the building. The Planning Board's concern was that scale of the building along Hiawatha Park is somewhat overwhelming; however, the board felt planting trees every twenty feet along any residential zone would cut down the scale of the project.

There was a discussion about the Oak Bluffs Planning Board review of the project.

- **Christina Brown** asked if it was the Planning Board's specific recommendation for the Honey Locust trees.

- **John Bradford** said it was because the trees are fast growing and relatively attractive. One of the members of the Planning Board is a landscaper and he recommended the tree.
- **Christina Brown** asked if there are any specific examples of where this species has been planted.
- **Paul Foley** asked if John Bradford knew when the zoning changed for the neighborhood.
- **John Bradford** said he believed it was in the 1980s or early 1990s when the zoning was switched. Oak Bluffs did not want to say it was spot zoning it was rather a hop, skip and a jump. The last couple of lots were very small and they chose to keep commercial zoning in order to build since they would not have been able to meet the setbacks. It was a strange situation having people ask to change from commercial to residential zoning.
- **James Joyce** asked if the Planning Board approved the project and is the Board happy with the plan.
- **John Bradford** said the Planning Board made a decision on the Site Plan Review and it now goes to the Building Inspector. The Planning Board is not a permitting agency.

Christine Todd is the Executive Director for the Oak Bluffs Association and said the Association met after the last public hearing and continues to be in full support of the project. The project will remedy a derelict property and the project will contribute to the economic health of the town. The project meets the desire of the community to bring a bowling alley back. The Association is very enthusiastic about the project.

4.5 Public Testimony

Byron Barnett is a direct abutter on 12 Hiawatha and responded to some of the things that Sam Dunn brought up.

- Sam Dunn said sound will be all but inaudible but on the first page of the consultant's report it says that is impossible. "It is impossible to guarantee zero audibility, but with good sound insulation design the audibility can be minimized".
- The facility will be five feet from his property as well as his neighbor's backyard. When the level of sound is talked about, it includes bowling ball sound that is five feet away from homes.
- He never said anything against bowling on the Island. His main concern is the full liquor bar and his request at last week's meeting was to limit that to beer and wine.
- Sam Dunn said no bowling will be sold after 10:30 p.m. he asked how long does it take to play. There is an excessive noise ordinance after 11:00 p.m. in Oak Bluffs.
- The apartment tenants should have designated parking spaces.
- He is not an engineer but thought perhaps if the structure was built lower, perhaps it would help to mitigate the noise.
- On December 19, 2013 the MVC denied the building of a church in Oak Bluffs. The MVC noted the increased impact on abutters and the number of activities were factors. If the MVC is concerned about a church, that should set a precedent about approving a bar and its impact on abutters.
- It is important to residents that not only foot traffic but also vehicle traffic does not flow out onto Hiawatha.
- He asked that the MVC keep in mind the impact of this project on the neighborhood.

Ellen Kaplan is representing clients that are opposed to this project and noted the following.

- She read all of the previous letters in support and the letters all say they support a bowling alley, only one letter mentioned alcohol. That letter doubted a lot of drinking would be taking place because alcohol and bowling don't mix and questioned the alcohol service with underage patrons in the bowling alley and hoped for separate entrances for bowling and the bar.
- Not one of the letters supported all of the activities proposed for the facility. The opposition is to the multiuse space that includes a bar.
- Uncas Avenue is a mixed-use area. The business uses one would want to see in a mixed-use area are those that provide services for the area such as banks, a pharmacy, convenience stores, etc. A bowling alley/bar is a different use than services for a residential area.
- There are presently three or four structures on the property, although not in good condition. But there is a lot of open space around them. The project will completely build out the lots except for the five foot buffer.
- The footprint of the Nye Building is only 4,000 square feet and that is a large structure for the neighborhood. The proposed building will overwhelm the neighborhood, the usable space is 13,000 square feet and there is no open space only the five foot buffer. The mass of the building is completely inconsistent with the character of the neighborhood.
- An active parking lot was a significant factor mentioned in the denial of the church and the same is true for this project.
- She was disheartened to hear Mr. Dunn's inability to respond to how the parking would work for events and closing times.
- Without people in the event space, the occupancy totals 138 people with the apartments. There is room for even more people with people standing in the bar area.
- Mitigation of the odors from the food has not been mentioned as well as noise mitigation for people going to and from their cars. There was a lot of noise and police presence when the Nye building was used for events. That also needs to be addressed for this project.
- Lighting needs to be addressed. It is a dark street and she has heard from people who live there that they have to use flashlights at night.
- She questioned whether alcohol is allowed in a bowling alley.
- Wastewater is an issue. There is a testing facility for Barnstable County at Otis Air Force Base to test for de-nitrification systems. She has heard that 65% nitrogen reduction is unheard of; it is usually 50% reduction. There will be food waste as well. There is a requirement for a management plan and she suggested Sam Dunn do this with the Board of Health so the MVC can understand how the de-nitrification system will work.
- She understood there is still a plan for use of street parking. The street is not very wide and it is used by the residents. She questioned if there is sufficient parking available.
- Her clients echo that alcohol be limited to beer and wine and no spirits.
- She suggested the detriments outweigh the benefits and sincerely thinks Oak Bluffs does not need another bar and all of the activity it brings with it.
- She asked the MVC to deny the project as proposed.

Josh Goldstein asked who Ellen Kaplan's clients were. **Ellen Kaplan** said her clients reside in the neighborhood, Uncas Avenue and Pocasset. One client is a year round resident and others are seasonal, however they spend more time on the Island other than just the summer.

James Joyce noted with regards to the church application that the church was in a residential area and this project is in a mixed use area.

John Breckenridge noted that the Board of Health would be reviewing the project. He asked Sheri Caseau, MVC Water Planner, if she works with the Barnstable County testing facility for wastewater issues. **Sheri Caseau** confirmed that she did.

John Tiernan is a resident of the Island, a parent who cares deeply about Oak Bluffs. He did not want to discount seasonal residents but the MVC is for the Islanders. Bowling is a wonderful activity and he is in full support of a bowling alley, bar, restaurant, and activity center. It would be a great place for children's birthday parties which is lacking on the Island. There are no year-round residents in the Hiawatha area so why aren't the residents in support of the project. Why isn't the one year round resident of the Hiawatha area here? The applicant is building a project that will provide jobs and betterment to the community.

Lisa Stewart Crisp is an abutter and had the following comments.

- Seasonal residents care about the Island. For her family they are on the third generation of being on the Island.
- Her family is the forgotten and ignored abutter; they have had their house for fifty years.
- A lot of the commercial locations in the neighborhood are condos, apartments and houses. People will be living all around the bowling alley.
- People are questioning the bar.
- Because the plans were flipped, her family's property is now the one dealing with the parking lot and that particular noise.
- Her family was not approached by Sam Dunn.
- Based on her research on bowling alley planning, she found that it requires five parking spaces per bowling lane so the proposed parking is inadequate.
- Her family is on the Island from May through October and Uncas Avenue is at a maximum for traffic.
- She and her sister were at the house today and within ten minutes ten cars came by and there were nine to ten cars parked on the street and this the winter. She does not see how the street can handle the parking. She suggested the parking be secured with a gate system.
- This is a very large building.
- She also requested a different kind of planting to have protection from the noise such as acoustical protection between the fencing and planting that is larger than six feet for protection from a two-story building.
- If last call is 10:30 p.m. people won't be gone until 12:30 -1:00 a.m.
- It was said at the last public hearing that bowling is a fall and winter sport so perhaps mitigation of the hours could be instituted in the summer.
- She is concerned about the alcohol and suggested it be limited to beer and wine.
- There are people regularly walking in the neighborhood and there are the basketball courts and there is a concern about safety with increased traffic.

- Her family is concerned their yard will become a garbage can with the increased foot traffic in the area.
- The parking, HVAC, and bathroom vents are on the north side of the building which is the side along their property. Many issues will affect their property.
- She questioned where the fifty people attending the events will park.
- She feels the project will affect the neighborhood and is feeling that they are being looked at as second class citizens. They pay taxes.
- She is for bowling on the Vineyard but asked the MVC to consider the neighborhood and the people who live there.

Gail Barmakian is an Oak Bluffs Selectmen but spoke as a resident. She wasn't planning to speak but feels she needs to. Most people come up to her and ask about the proposed facility and 90% did not know it was a full liquor facility. She is very supportive of bowling but not the hard alcohol aspect. She wondered how the MVC views seasonal versus year round residents. The Island is special to our seasonal residents and it is even more special to them than their off Island homes. This is where they chose to spend their money. The neighborhood is generational and historical and Oak Bluffs is a summertime community.

Ann Smith said this is her neighborhood and she is in full support of the entire project. She is quite concerned about Oak Bluffs. There is the blight of the two empty movie theaters and the building which housed Seasons is another example. Oak Bluffs is in trouble and the development of the B-1 District is important. With regards to drunkenness, she experiences that in her neighborhood and it is part of living in town. She and her mother eat out five nights per week and it is vital to have another restaurant option especially in the off season. She said she has been to many bowling alleys in other parts of the country and does not know of any that does not have a bar. The bar is not separated and is part of the experience in those that she has been to. From running an art center she is well aware that event space on the Island is in demand and to have one with an elevator is a plus. She felt the facility would be busier in the winter than the summer with the demand for this activity and for birthday parties. You have to live with positives and negatives and this is what it means living in Oak Bluffs.

James Joyce agrees with Gail Barmakian and is not a fan of the discussion of an Islander being year-round or seasonal. The application is for a project that would be part of the Island. We are all Islanders.

Trip Barnes said he thought this project would be used more in winter, especially with bowling leagues.

Amy Billings asked for a building comparison for the restaurant to visualize the size of this proposed facility. **Sam Dunn** said the Art Cliff Diner has forty seats. **Joan Malkin** noted that the square footage for that portion of the building is 4,000 square feet which is the same size as the Nye gallery.

Paul Foley clarified the parking, Oak Bluffs zoning requires 28 parking spaces and ITE recommends 50 parking spaces for the restaurant and the bowling alley. **Priscilla Leclerc** added there are different ways that ITE looks at things. For bowling it is five spaces per one bowling lane which includes a small lounge, video games and pool tables that may be available.

For an urban location ITE states 3.13 parking spaces per bowling lane which would be 31 required spaces.

Christine Todd is a member of the Homemakers Club and most of the members live right in the area. At the Monday meeting they were talking about the bowling alley and only one person didn't like the idea. She has read all of the submitted letters and the ones for the project are for a bowling alley. She thinks people look at the project as having a restaurant that serves alcohol. People are in support of a family facility. The support letters far outweigh those that are opposed. Those opposed were of a bar with a bowling alley. It is a project that will serve year round and seasonal residents. There is nothing for teenagers to do in Oak Bluffs so they go and hangout on Circuit Avenue. The town has elected officials and boards reviewing the project and if anyone thinks the issue will not be looked at, she takes offense to that. She thinks this is a great project and hopes the MVC supports it.

Ann Smith is the Director of Featherstone and said more people call in the summer when it rains because they don't know what to do. The Oak Bluffs police department is incredible when it comes to noise and responding to issues.

Byron Barnett said he has never spoken against bowling on the Island and it could be built in any number of locations. His concern is about the 62-seat liquor bar. The project is proposed as a family bowling center, but not everyone thinks the bar needs to be there. The project will impact this quiet area. He loves Oak Bluffs otherwise he wouldn't be here.

Linda Sibley, Public Hearing Officer recessed the hearing at 8:45 p.m. and reconvened at 8:50 p.m.

Linda Sibley said that the post-public-hearing LUPC will be scheduled on March 3, 2014 and Commission Deliberation and Decision on March 6, 2014.

Linda Sibley closed the public hearing leaving the record open for the Applicant's written testimony by 5:00 p.m. February 27, 2014 and written testimony from the public to be received by 5:00 p.m. March 3, 2013.

Fred Hancock, Chairman recessed the meeting at 9:00 p.m. and reconvened at 9:05 p.m.

Doug Sederholm rejoined the meeting.

5. FERTILIZER DCPC NOMINATION

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, J. Vercruyse.

5.1 Staff Report

Bill Veno presented the following:

- There was a change in the state regulations regulating fertilizer, and a window of opportunity for the Cape and the Island towns to adopt their own regulations.
- The towns Board of Health started looking at doing so last fall and have now submitted their nominations for a District of Critical Planning Concern.

- The MVC has received DCPC nominations from the boards of health from several towns proposing the creation of an Island-wide DCPC, the Martha's Vineyard Lawn Fertilizer Control District.
- The MVC now needs to respond to the nominations. The Commission must vote whether to accept the nomination for consideration as a potential DCPC.
- Acceptance of the nomination is the first step in the DCPC process and triggers two actions.
 - Setting a public hearing to consider designation of the DCPC.
 - Immediate institution of a moratorium on applicable town-issued development permits.
- The towns would need to present the DCPC regulations for adoption at the annual town meetings and are hoping to do so at this year's meetings.
- If the MVC votes to accept the nominations for consideration, the MVC would then schedule a public hearing and subsequently vote to designate or not designate the district.
- Should the MVC vote to accept the nominations for consideration for designation such vote will initiate a development moratorium in the area proposed to be designated. It is proposed that the moratorium be for permits for applying fertilizer. Exemptions may be granted under certain circumstances.
- MVC counsel advised that discretion may be exercised in identifying the types of development permits to be included in or excluded from the moratorium.
- Tonight, the MVC is to decide to accept the proposed DCPC nominations for consideration. This is not the vote to designate the district.

5.2 Commissioners' Discussion

Fred Hancock noted this would be a district that covers the entire Island.

John Breckenridge said the only time there would be an issue about issuing permits during the moratorium is for permits issued during the moratorium by the Conservations Commissions.

James Joyce asked if all the towns are involved. **John Breckenridge** said the proposed regulations originated from all boards of health.

John Breckenridge moved and it was duly seconded to consider the proposed nominations as a single nomination to the MVC.

- **Linda Sibley** asked to amend the nomination and **John Breckenridge** agreed.

Linda Sibley moved and it was duly seconded to accept nomination as a single nomination with a moratorium on development permits that authorize the fertilization of lawns and other non-agricultural turf.

- **John Breckenridge** mentioned why this nomination is so important.
 - Nitrogen has an effect on the safe drinking water supply of the Island and could be detrimental to the health of pregnant women and those with impaired immune systems.
 - Nitrogen can contribute to excessive algae.
 - The Island economy is a water dependent economy including the fishing industry and recreational uses by Island residents and visitors.

Roll call vote. In favor: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, J. Vercruysse. Opposed: none. Abstentions: Josh Goldstein. The motion passed.

Fred Hancock, Chairman scheduled the hearing for March 27, 2014 and appointed Joan Malkin, Linda Sibley, and John Breckenridge as a committee to work with MVC staff on the goals and guidelines for this DCPC.

6. RURAL ROADS PRESENTATION

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, J. Vercruysse.

Christina Brown, PED Chairman introduced Craig Whitaker. He is a long time seasonal resident and a member of the William Street Historical Commission. He came to give the Commission a presentation tonight on scenic roads by way of PED. He is an architect, author, and professor of planning at NYU.

6.1 Rural Road Presentation

Craig Whitaker presented the following:

- We are a culture that spends a lot of time thinking about our front doors. Disney World is all about front doors and Disney did a brilliant job of directing the guests to the front doors.
- He became interested in the Island on a moonlit evening with the moonlight coming through the trees on North Road and thought what a wonderful place to build a house; he had not even seen the beach.
- Last June he received a modest grant to put together a proposal for the Island to take a proactive stance to take control of their roads.
- He gave a PowerPoint presentation of classic rural roads.
 - Due to the trees, you are not drawn to the utility poles that are present.
 - There is no paved shoulder on the road.
 - There are arched trees and a tree canopy.
 - Barriers that are used on Shared Use Paths on Beach Road were originally built about 36 inches high and they were lowered and it changed the scale.
 - A number of years ago Chilmark voted to keep a ten foot wide road but what was missing was a vote on the barriers. There are steel barriers and a cape-cod berm to keep the water on the road, acting as a gutter. Without the steel barrier and the cape-cod berm, the character changes.
- He showed a photo of a country road that had a considerable amount of paved shoulder. If it was changed, the paved area could be reduced by 25%.
- Examples of sign structures were shown in Chilmark and he noted that on Beach Road from Edgartown to Oak Bluffs there were fourteen reflective signs that were very noticeable at night and it changed the character of the road.
- The Tashmoo overlook was reviewed. There was a wooden barrier and now there is a steel barrier and the overlook has been paved.

- Several views of roads lined with utility poles were shown and it was noted with information and a better sense of what it costs, the utilities could be put underground. Nantucket has done a lot of undergrounding of utilities.
- It is important to find ways to ameliorate the road and photos were shown with a paved shoulder versus a grass shoulder, which gives rural character.
- Views of fences and attempts to add vegetation were reviewed.
- Many places in the United States have taken charge of their roads.
 - The San Juan Islands in Washington focused on safety, aesthetics, engineering principles, and long range reduction of maintenance costs.
 - Paris Pike, Kentucky, kept stone walls and it is a success story.
 - Milestone Road in Nantucket connects the town of Nantucket and Siasconset. They received funds for re-paving the road with grass shoulders and a bike path.
- He discussed the National Park Service Rural Road Report. Roads were classified not by design, speed or traffic but by intended use/function.
 - Yellowstone was one of the leaders.
 - Other successful projects include Sequoia National Park, Olympic National Park and Cascade National Park.
 - Zion National Park colored the pavement to add to the aesthetic.
- Sag Harbor, New York, took an approach on Route 114 which goes through their historic village that has a strong sense of community.
- Minnesota has one of the most progressive DOTs in the United States.
- He suggested the Island produce its own road manual which would be a contract between Martha's Vineyard and the Mass DOT. The manual is something that is doable and he hoped the MVC would decide to do a manual.
- A manual could be created with the help of a professional engineer in dealing with issues such as lane width, lighting, structures, special conditions, and utility poles.
- Craig Whitaker noted he was a special appointee to the Joint Transportation Committee (JTC) when they looked at the sidewalk that was going in on State Road in Vineyard Haven. He made recommendations and discussed them with the state and what was actually done is another example of what was constructed from a state level. It was a simple sidewalk plan when it was passed to DOT, but they changed it.
- He has met with PED several times and the rural roads project is the kind of project that is proactive and is within the Commission's reach to do it.

Christina Brown said PED has had several sessions regarding rural roads.

Linda Sibley said it was important to know that Craig Whitaker met with the All Island Selectmen.

Craig Whitaker said PED suggested that the way to bring rural roads to the MVC was through the All Island Selectmen.

Mark London presented the following.

- Concerns include elements in the public right of way, such as lane width, shoulder width, barriers, vegetation, bus stops, bike paths, and utility poles.
- They also include private roadside development including: fences, private signs, vegetative screening or absence thereof, and building locations and screening

- The MVC has been concerned about scenic roads for a long time creating the Island Road DCPC soon after the Commission was created.
- It also considers the impact of development on scenic roads in reviewing Developments of Regional Impact (DRIs) and has adopted policies dealing with visibility of new buildings, preservation of roadside vegetation, and screening of fences.
- The MVC did a comprehensive identification of roadside viewsheds across the Island.
- PED has started identifying possible strategies for discussion with the towns, including:
 - Coordination with NSTAR;
 - Upcoming road improvements such as the Edgartown – Vineyard Haven Road, and
 - The broader issue of protecting and restoring scenic roads.

Christina Brown, PED Chairman, said the next steps for PED are to meet with the planning boards other interested town officials over the next two months to get feedback in the effort and solicit town representative to a working group to work on this effort. In April 2014 the working group will start setting priorities and create subcommittees as needed. She asked the Commissioners to volunteer to go to the towns in small groups and listen to what they say about the roads.

6.2 Commissioners' Discussion

Joan Malkin said PED decided rural roads should not be an exclusively MVC initiative and it would be more effective to encourage the towns to help take it forward.

Trip Barnes felt the towns would be receptive.

Katherine Newman expressed concern that these groups do a lot of talking but the projects don't get off the ground. Perhaps it might be better to go to the towns with examples to start them with something, to start with a product that can be presented to them.

Trip Barnes moved and it was duly seconded to extend the meeting for ten minutes. Voice vote. In favor: 12. Opposed: 9. Abstentions: 0. The motion passed.

Linda Sibley said PED really has been trying to work on strategy and agrees with Katherine Newman that it is really important to go to the towns with something in hand. She also noted that Craig Whitaker has been coming to the PED meetings to work on the topic.

There was a discussion on how to move forward.

- **Madeline Fisher** asked Craig Whitaker how he thinks the MVC should move forward.
- **Craig Whitaker** made the following comments.
 - The MVC has done a lot of good planning work. The difference is between the plan and implementation. To get implementation, negotiation with the state is needed.
 - The National Park Service negotiated with the Federal Highway System.
 - The Commission could start amassing a library and gather data on paved road widths, shoulders, and where the utility poles are.
 - He suggested that negotiations with MassDOT be in Boston.
 - Engineers are also needed. The topic will be taken seriously with engineers talking with engineers and the MVC will need this help.

- The engineers will help the MVC determine the items to be addressed and to organize the thinking for issues such as structures and lane widths
- **Joan Malkin** said the project is worth doing but it is hard. For example if the MVC decides it wants a manual the Commission will need six towns wanting to do this with town involvement, town agreement, and money.
- **Craig Whitaker** said there is TIP money. **Mark London** noted TIP money cannot be used for planning.
- **Linda Sibley** said the issue to accomplish tonight is to decide if the MVC wants to do this. The PED members thought it was time to find out if there is support from the whole Commission.
- **Joan Malkin** noted if the MVC says they are behind this project the Commission will still need more guidance.
- **Katherine Newman** reiterated that she felt there still should be a better sense of a product before the towns are approached for support. The Commission should be taking on some of this to establish a core and then go to the towns.

Doug Sederholm moved and it was duly seconded to obtain a sense from the Commissioners if this is something the MVC as a whole would like to pursue. Voice vote. In favor: 12. Opposed: 0. Abstentions: 0 The motion passed.

Fred Hancock noted that strategies of what to do next are to be developed. Part of the NSTAR decision was to set up an Island-wide group to deal with some of these exact issues and it seems it is a likely place to start as a lead into the full project and to get buy in from the towns.

Craig Whitaker suggested that the MVC develop a Request for Qualifications (RFQ) in draft form and start to ask for specific types of skills. With the RFQ the Commission will have a metric and will learn a lot from the firms submitting their qualifications. That type of action will energize people that the MVC is serious about the project.

Madeline Fisher moved and it was duly seconded to extend the meeting for five minutes. Voice vote. In favor: 12. Opposed: 0. Abstentions: 0. The motion passed.

Madeline Fisher asked **Craig Whitaker** if he could email an outline to the MVC on how they should direct their efforts and a list of the issues and a plan of action that would be logical for this effort. **Craig Whitaker** agreed to do so.

Fred Hancock asked what type of outlay is typical for this type of manual. **Craig Whitaker** said \$150,000 is a starting figure with caveats. The manual itself could be done quickly, but the expensive and time-consuming part of the effort is coming to a community consensus on all the issues. The RFQ would give the MVC a good sense of what is needed and also give the MVC control over the process. There are federal programs that could fund vegetation and bike paths.

Linda Sibley moved and it was duly seconded to extend the meeting for five minutes. Voice vote. In favor: 12. Opposed: 0. Abstentions: 0. The motion passed.

7. NEW BUSINESS

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, J. Vercruysse.

Trip Barnes suggested that the MVC take a role in the process for approving a Medical Marijuana Dispensary on the Island.

Fred Hancock said approval is a state function and the MVC cannot control that.

Doug Sederholm noted that the Island was not turned down for having a dispensary. The five Island applicants were not approved but the state is committed to having a dispensary in each county.

Trip Barnes noted that it was something that was brought to him as a Commissioner and hence to the MVC and it may be worth making a few phone calls.

The meeting was adjourned at 10:25 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Martha's Vineyard Commission Meeting – Draft, Held on February 6, 2014
- DRI 616 Island Housing Trust Surrender of DRI Request Correspondence to and from Paul Foley Dated November 20, 2013 and December 22, 2013
- Martha's Vineyard Commission Land Use Planning Committee, Notes of the Meeting of January 23, 2014
- Martha's Vineyard Commission DRI #645 Cottage City Bowling on Uncas Avenue, MVC Staff Report – 2014-02-20
- Appendix 1: Wastewater Treatment Calculation Sheet, DRI #645
- Applicant Offers/DRI 645/Uncas Avenue, Dated February 17, 2014
- Proposed Bowling Center, 6, 13 & 19 Uncas Ave, Oak Bluffs, MA Elevations, Floor Plan and Site Plan
- Oak Bluffs Master Plan 1985 Excerpt
- Applicant Offers DRI 645 Uncas Bowling, Dated February 6, 2014
- DRI 645 – Bowling & Bar on Uncas Avenue Correspondence List – Received by February 6, 2014, Opposed to the Proposal
- DRI 645 – Bowling & Bar on Uncas Avenue Correspondence List – Received by February 20, 2014
- Traffic Impact Assessment DRI #645 Proposed Cottage City Bowling, Oak Bluffs, MA – Prepared for the Martha's Vineyard Commission by C3 Consulting Firm, Dated February 2014
- Letter to Sam Dunn from Cavanaugh Tocci Associates Inc., Dated February 19, 2014, Subject: Oak Bluffs Bowling Alley – Sound Control
- Memo to Commissioners from Bill Veno, Dated February 20, 2014, Subject: Acceptance of Lawn Fertilizer DCPC Nomination
- Martha's Vineyard Commission DCPC Nomination, Dated 6/14/04
- Vote to Accept Proposed DCPC for Consideration, February 20, 2014, Martha's Vineyard Lawn Fertilizer Control District, Island-wide – Staff Notes, 2/14/14 (Jo-Ann Taylor, DCPC Coordinator)

Chairman



Date

5-9-14

Clerk-Treasurer



Date

5-21-14