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**Minutes of the Commission Meeting
Held on May 16, 2013
In the Stone Building
33 New York Avenue, Oak Bluffs, MA**

IN ATTENDANCE

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

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|------------------------------------|---------------------------------|
| - Tripp Barnes (E-Tisbury) | P James Joyce (A-Edgartown) |
| P John Breckenridge (E-Oak Bluffs) | P W. Karl McLaurin (A-Governor) |
| P Christina Brown (E-Edgartown) | - Jim Miller (A-Aquinnah) |
| P Tim Carroll (A-Chilmark) | - Ned Orleans (A-Tisbury) |
| - Madeline Fisher (E-Edgartown) | P Camille Rose (E-Aquinnah) |
| P Josh Goldstein (E-Tisbury) | 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) | |

Staff: Mark London (Executive Director), Paul Foley (DRI Planner), Sheri Caseau (Water Resources Planner), Christine Flynn (Economic Development and Affordable Housing Planner), Jo-Ann Taylor (Coastal Planner, DCPC Coordinator)

Chairman Fred Hancock called the meeting to order at 7:00 p.m.

1. MINUTES

Commissioners Present: J. Breckenridge, C. Brown, T. Carroll, J. Goldstein, E. Hammarlund, F. Hancock, J. Joyce, W. Karl McLaurin, C. Rose, D. Sederholm, L. Sibley, B. Smith.

Josh Goldstein moved and it was duly seconded to approve the minutes of April 11, 2013 with corrections as noted, Erik Hammarlund noted that the following language should be added to line 60-61; "Commissioners agreed to add 'as permitted by West Tisbury Zoning'". In favor: 9. Opposed: 0. Abstentions: 3. The motion passed.

2. PARTY STATUS

Commissioners Present: J. Breckenridge, C. Brown, T. Carroll, J. Goldstein, E. Hammarlund, F. Hancock, J. Joyce, W. Karl McLaurin, C. Rose, D. Sederholm, L. Sibley, B. Smith.

Fred Hancock noted that a memo was received from the MVC Counsel regarding party status. An aggrieved party to an MVC decision is allowed to appeal the decision to the court. MVC Counsel's recommendation is that we leave it up to the courts to determine who is an aggrieved

party since they have a better understanding of the legal criteria. Having the Commission make this determination would short circuit the process.

Linda Sibley moved and it was duly seconded to take the advice of MVC Counsel and not have the MVC get involved in granting party status.

- **John Breckenridge** noted that an appeal has to come within the normal appeal period.
- **Fred Hancock** said an appeal is allowed twenty days after the decision is registered.
- **Linda Sibley** said that the MVC did not originally grant party status to anyone, however, at a different time based on the attorney at that time, the MVC did. So this motion would go back to the original MVC practice.
- **Erik Hammarlund** asked if the MVC needs to revise the bylaws.
- **Fred Hancock** said party status was not written into the bylaws, it was a policy.

Voice vote. In favor: 12. Opposed : 0. Abstentions: 0. The motion passed.

3. MVTV DRIVEWAY REALIGNMENT - OAK BLUFFS (DRI-635-M2) MODIFICATION REVIEW

Commissioners Present: J. Breckenridge, C. Brown, T. Carroll, J. Goldstein, E. Hammarlund, F. Hancock, J. Joyce, W. Karl McLaurin, C. Rose, D. Sederholm, L. Sibley, B. Smith.

For the Applicant: John Folino (Cape Building Systems)

Fred Hancock noted that this is a modification of a DRI approval granted to MVTV and it involves the driveway alignment and a change to parking.

3.1 Applicants Presentation

John Folino presented the following:

- Approval was received for the driveway and parking in front of the building and the driveway was put in based on the existing trees.
- There was going to be a ribbon of sidewalk on the approved plan. Now to soften the building a green area has been added to keep cars and trucks away from the building.
- The parking will be heading toward the church.
- The main entrance to the building at night is in the back.
- The paved entrance will be the handicap entrance as well as the main entrance at night.
- There is less paving than originally planned. Both entrances are handicap accessible. There will be more drainage than before and no surface runoff. Runoff from the down spouts will be caught in the catch basin.
- All surfaces that are not paved will be gravel to allow permeability and low maintenance.
- The roots are compromised on two trees. Those trees will be lost in the next northerly storm and they are asking to remove them and replace them with landscaping to act as a buffer. Inkberries would be used to duplicate what the church has.
- Two drains will be screened so they cannot be seen. So there will be additional landscaping.
- They would also like to put a soft canopy above the entrance as a focal point for the daytime entrance.

3.2 Commissioners' Questions

James Joyce asked why the two trees that are compromised can't be replaced with other trees rather than landscaping. **John Folino** said that there is not a lot of room between the property line and the embankment. Trees may not survive so would prefer shrubbery as the concern is wind.

John Breckenridge noted that in prior instances the MVC asked the applicant to come forward with a plan that included the types of materials to be used so the MVC could look at the heights and perhaps the approval of a landscape plan could be done at LUPC. Perhaps white pines could be introduced as a solution for the trees.

Erik Hammarlund asked if this plan has been run by the church and are they happy with it.

John Folino said the plan has not been reviewed with the church; he wanted to pass it by the MVC first.

Erik Hammarlund stated that he felt the MVC should move to approve as submitted.

Linda Sibley agrees with John Breckenridge to approve the landscape plan with LUPC.

Linda Sibley moved and it was duly seconded that the change is not substantial enough to require a public hearing. Voice vote. In favor: 12. Opposed 0. Abstentions: 0. The motion passed.

Linda Sibley moved and it was duly seconded to approve the changes with the landscape plan to be approved by LUPC.

- **John Folino** asked for clarification on if the trees can be cut down now. **Christina Brown** said not until LUPC reviews.
- **John Breckenridge** said perhaps LUPC will think of native species in terms of the trees and native vegetation that requires minimal maintenance.
- **Fred Hancock** said that perhaps with the goal to hide the cars that lower and bushier landscaping is something to consider and it would not require landscaping with a lot of height.
- **Tim Carroll** noted that the parking plan showed two handicap spaces by the canopy and the plan for the back area only shows one space and questioned if a handicap space is being lost. The number of handicap spaces should be maintained. **John Folino** said that the back has one space so there is a loss of one space. There are a total of four handicap spaces.
- **Mark London** asked how many handicap spaces are needed for zoning. **Tim Carroll** said that state law requires as many as possible at the front door.
- **Fred Hancock** commented that the location and the number of spaces can be clarified at LUPC.

Roll call vote. In favor: J. Breckenridge, C. Brown, T. Carroll, J. Goldstein, E. Hammarlund, J. Joyce, W. K. McLaurin, C. Rose, D. Sederholm, L. Sibley, B. Smith, F. Hancock. Opposed: none. Abstentions: none. The motion passed.

4. NOVA VIDA/ALLIANCE CHURCH EXPANSION – OAK BLUFFS (DRI-603-M3) PUBLIC HEARING

Commissioners Present: J. Breckenridge, C. Brown, T. Carroll, J. Goldstein, E. Hammarlund, F. Hancock, J. Joyce, W. Karl McLaurin, C. Rose, D. Sederholm, L. Sibley, B. Smith.

For the Applicant: Valci Carvalho (Pastor), Darran Reubens (Architect), Rosemarie Haigazian (Attorney)

Brian Smith, Public Hearing Officer, opened the Public Hearing at 7:15 p.m. and read the public hearing notice. The applicant is the Alliance Community Church formerly Nova Vida. The location is 1 Ryan's Way, Oak Bluffs, Map 56 Lot 15.8, 1.44 acres. The proposal is to build a 4,500 square foot footprint addition that is 24 feet high with a 4,500 square foot basement and is designed to house a 150 seat church and associated activity and classrooms with a kitchen and a three bedroom parsonage on a property with an existing 2,560 square foot building. The total gross square footage as proposed would be 16,084 square feet.

4.1 Staff Report

Paul Foley presented the following:

- The packet of information contains the LUPC notes, the applicant's narrative, plans and elevations.
- The location is 1 Ryan's Way, Oak Bluffs, Map 56 Lot 15.8, 1.44 acres.
- Zoning is R-3 Residential.
- Project History:
 - Prior to 2006 the house was permitted as an eleven-room boarding house and has been a dance studio.
 - Mr. Carvalho purchased the property in 2006 and sold it to Assembleia De Deus Nova Vida Church.
 - The Martha's Vineyard Hospital daycare was located on the first floor of the building.
 - In 2008 the MVC approved a church that was to be built on the second floor above the day care. The building was to have no residences.
 - The Nova Vida Church was acquired by the Alliance Church (Christian and Missionary Alliance).
 - The congregation was estimated at 85-90 when it was approved for a 150 seat church in the existing building. It is now 60-65.
- The property was approved with conditions to locate a 150-seat church in the existing building that at the time also housed a 28 child daycare which has now vacated. The approved project was never built.
- There is a condition against residences in the building. Reports have come in that people have always lived there.
- The proposed hours are as follows:
 - Winter Service Hours – Sunday, Wednesday and Friday from 7:00 to 9:00 p.m.,
 - Sunday School – 10:00 to noon,
 - Summer Classes – Sunday, Wednesday and Friday from 7:30 to 9:30 p.m.
 - Study Classes - Monday from 7:00 to 9:00 p.m.
 - The minister would be available for counseling Monday from 5:00 to 9:00 p.m.

- There may be one to two weddings per year.
- The current proposal has a smaller footprint but more gross square feet than what was referred in 2012. That proposal was for a 6,500 square foot building with no basement.
- The DRI referral was from James Dunn, Oak Bluffs Building Inspector on April 11, 2012.
- A site visit was done on May 16, 2013.
- Key Planning Issues:
 - A 150 seat church has already been approved in the existing building. What necessitates such a large structure covering a large part of a residential lot with a large metal building and a parking lot for a use that can be accommodated in the existing structure with the approved plan?
 - What is 7,000 square feet of storage needed for?
 - Is this proposal a reasonable expansion in a residential neighborhood?
 - The water use records show that the existing building is using more than twice as much water as it was permitted to use (without the church ever actually occupying it). The MVC conditioned the project to implement a nitrogen reduction program if this were to happen. Therefore the project needs some form of nitrogen reduction. The applicant is willing to do de-nitrification.
 - The new site plan shows most of the lot covered in either building or parking. The expected vehicles on Sunday are 70 and there are 49 spaces.
- The site is mapped as a habitat by National Heritage Endangered Species Program (NHESP).
- A number of piles of landscaping materials have been stored on the site and the applicant will be removing them. Neighbors have asserted for years that a landscaping business was operating out of the property though the owner denies this.
- The applicant built a stockade fence along the neighbor's border and built a small three/four foot high planted berm in front of the property. The applicant will plant three native trees for each tree removed. The landscape plan has not yet been submitted. The proposed plan leaves little room for open space.
- A lighting plan has not yet been submitted.
- The applicant has hired an acoustical engineer to advise how to mitigate noise escaping from the building. The amplified music of the church which meets at night throughout the week, church members arriving and leaving the large parking lot, and additional classes and activities would add to the noise impact on the residential neighborhood.
- The project is in the Sengekontacket Pond Watershed that is classified as an impaired watershed in the MVC policy. This means any project must meet the nitrogen load limit allocated to the site based on its area. The site contains 1.44 acres that is allotted 4.1 kilograms per acre per year. This would allow a total nitrogen loading for this property of 5.9 kilograms per year. The proposal would generate 37.2 kilograms per year per acre without de-nitrification, so de-nitrification is clearly needed.
- Runoff and gutters will go to dry wells. Surface runoff will be graded to permeable surfaces, but with the expansion there will be less permeable surface.
- A traffic study was done by Charles Crevo of C3 Consulting;
 - The site currently has ten gravel parking spaces plus a dirt area that could accommodate approximately 12-14 cars. There is also a grass area that could accommodate approximately 15-20 vehicles.

- The access is Ryan’s Way off of Edgartown-Vineyard Haven Road. It is a residential cul-de-sac subdivision with eleven properties. This property is located at the entrance.
- The applicant offered to close the second unpaved driveway and plant it over if and when The Church of Latter Day Saints (which is the neighboring property) is developed. The applicant is willing to use a joint entrance to get traffic off of Ryan’s Way. There are no plans by The Church of Latter Day Saints to develop the property.
- The site is on three VTA routes.
- There is no crash history at Ryan’s Way and Edgartown-Vineyard Haven Road.
- Three different parking supply ratios were looked at. Based on 150 seats, 40 spaces are needed. With 150 attendees, 69 spaces are needed. Based on the gross square footage, 157 spaces are needed.
- The level of service is not significantly altered.
- Trip generation estimates were done with a no build scenario in five years and if the church was built; during peak hours on Sunday 9:00 to 10:00 a.m. if the church was not built would be 12 trips in and 12 trips out and in 2018 would be 18 trips in and 18 trips out. If the church was built in 2018 the trip generation during peak hours would be 89 trips in and 88 trips out.
- Several church members currently live in the building. The MVC has had an unwritten policy not to apply the Affordable Housing Policy to religious and government institutions.
- The proposed project by a religious organization would exempt the property from the Oak Bluffs property taxes.
- This project is larger than other churches on the Island. The gross square footage is more than triple of the World Revival Church and the Jehovah Witness and double of the Vineyard Assembly of God which also has a parsonage. The seats and parking spaces are approximately the same; World Revival Church has 200 seats with 74 parking spaces and 5,500 gross square feet, Jehovah Witness has 150 seats with 62 parking spaces and 5,000 square feet and Vineyard Assembly of God has 185 seats with 75 parking spaces and 8,000 square feet. The proposed project is 150 seats with 49 parking spaces and 17,000 square feet.
- The 6,500 square foot footprint, 24 feet high, single story structure would be very visible from the road. Many of the trees that effectively screen the existing property would be gone.
- The building would be significantly larger in mass and scale than the buildings in the residential neighborhood. There are institutional buildings in the vicinity such as the High School, MV Arena and the YMCA.
- With regards to architectural design, the proposed expansion is not in character with the residential neighborhood but is with the current institutional buildings.
- The first floor of the building would be ADA accessible.
- A number of residents of Ryan’s Way have come to numerous meetings over the years with concerns over the operations of the property and the addition of night services may also affect those concerns.
- The site plan and aerial views were reviewed as well as the 2008 approved plan by the MVC.

- The 2013 addition elevation and renderings of the inside of the sanctuary were reviewed.
- A superimposed plan on the aerial view was reviewed to show the trees that have been removed over the years as well as the proposed area of construction.
- A photograph that was taken on the site visit of May 16, 2013 was reviewed to show what trees would be removed with the proposed plan. It was noted that in 2005 many of the pine trees were removed.

4.2 Commissioners Discussion

There was a discussion about the current DRI approval.

- **John Breckenridge** questioned if the approved plan has expired.
- **Paul Foley** said it has not expired because of the State Permitting Extension Act and it came back for modifications. However, the plan was not acted on. It is approved until September 2014.
- **Brian Smith** wondered why the MVC wouldn't ask the applicant to rescind that prior approval before the MVC acts on another approval.
- **Paul Foley** said the new proposal would supersede the other.
- **Fred Hancock** noted that this proposal is a modification so if approved the other approved plan goes away.
- **Christina Brown** noted that if the proposed plan was denied the prior approved plan could be built.
- **Erik Hammarlund** asked if anything that has been done to the building and the property is in compliance with the previous DRI.
- **Paul Foley** said the applicant really did not do anything with that DRI other than build a fence to screen the neighbors and the parking lot. A planted berm appeared but no action was taken on building the church that was approved.

Rosemarie Haigazian said that Paul Foley made reference to one of the pitch pine groves and she noted that she was told that it was taken down by the prior owner. **Paul Foley** clarified that he had noted that it was in 2005 and it was not clear as to who took it down.

Josh Goldstein asked why the Commission does not apply the Affordable Housing Act to organizations that are already tax exempt. The community is not benefiting from their taxes so why should the community not benefit from the housing. **Christina Brown** said that the MVC never fully discussed or explored that issue and that the Commission will.

Fred Hancock asked Sheri Caseau if the 36.72 kilograms per year for nitrogen load is the current estimate. **Sheri Caseau** said it does not include the parking lot (not being sure of its size) or the basement (not being sure of the usage). **Fred Hancock** indicated that time is needed to determine the final number. **Sheri Caseau** confirmed and noted that the number right now is 37.2 kilograms per year.

4.3 Applicants' Presentation

Darran Reubens presented the following.

- He presented a new site plan that rearranged the parking in order to preserve more trees.
- The proposed driveway from Ryan's Way needs to be two way due to where the parking is.
- The proposed parking is on site now.

- The proposed addition elevation was reviewed.
- The parking design is tree sensitive. There is a smart approach to the site and it reflects the issues of the trees. The design also shows a possible entrance from Edgartown-Vineyard Haven Road.
- There are 41 parking spaces.
- The applicant will replant three trees for every one that is removed.
- The entrance can be from Ryan's Way and if in the future it could be relocated from Edgartown-Vineyard Haven Road, the Ryan's Way entrance would be closed.
- The existing structure is two stories and the addition slopes approximately 8 and a half feet to twenty one feet. It is a shed simplistic form.
- The building will be visible when driving on Edgartown-Vineyard Haven Road but not massive due to the slope. The slope minimizes the scale of the building.

4.4 Commissioners' Questions

Fred Hancock asked if there was an elevation of the other side of the building (west side)?

Darran Reubens said there was not but he could submit one.

There was a discussion about the second floor of the existing building.

- **John Breckenridge** asked for clarification of the second floor and asked if it is permitted for eleven bedrooms (currently there are six bedrooms). The proposal is calling for three bedrooms so is the proposal carving that space into three very large bedrooms.
- **Darran Reubens** showed the floor plan. It is an open floor plan for a living/kitchen open space and three bedrooms.
- **Erik Hammarlund** asked what the use of the bedrooms is.
- **Darren Reubens** said it could be a single family residence with three bedrooms.
- **Rosemarie Haigazian** said the applicant can offer two options; to make three one-bedroom apartments or one three-bedroom apartment.
- **Brian Smith** asked for clarification of the space; is it three small apartments with a shared common area.
- **Darren Reubens** said it makes no difference with respect to septic usage whether it is three bedrooms or three apartments.
- **Erik Hammarlund** asked that they clarify whether it is one apartment with three residents, three apartments, or a parsonage.
- **Rosemarie Haigazian** said the plan is to be a parsonage with three bedrooms. If the MVC felt the applicant needed to address affordable housing, the space could be reconfigured to comply and also comply with the Town. There is some flexibility.
- **Brian Smith** noted that the MVC needs to know what the plan is so the Commission can address it. The MVC needs one plan and right now the Commission does not know what it is.
- **Rosemarie Haigazian** said the plan is for one large apartment with three bedrooms and common dining and living space to be used by one family as a parsonage.

There was a discussion about nitrogen reduction.

- **Doug Sederholm** asked what the applicant's proposal is.

- **Rosemarie Haigazian** said the applicant wants to know how the de-nitrification would impact the numbers that were presented. The expectation is that a de-nitrification plan would have to be used.
- **Mark London** noted that the Commission was just getting the numbers and was not able to set up a meeting with Sheri Caseau and the applicant to review the proposal and that will be done.
- **Doug Sederholm** noted that since this is the Sengekontacket Pond it is a very compromised pond, that requires careful consideration.

There was a discussion about the storage square footage.

- **Erik Hammarlund** asked what the 7,000 square feet of storage is for and noted that is a huge space and larger than Tripp Barnes new facility.
- **Darren Reubens** said it is more for mechanical and HVAC than square footage use. Currently if anything goes wrong with the mechanicals you have to break through the slab. You do not save much money by not having the space and it is advisable to have it. The basement is unfinished and has structural columns. He does not believe that the church has any intentions to finish it and it would cost the same as the church to do so.
- **Brian Smith** asked if the applicant would make that a condition of their approval to not finish the basement.
- **Erik Hammarlund** noted that he is concerned about approving a building that has 7,000 square feet of useable space.
- **Rosemarie Haigazian** said that it is potentially useable space.
- **Erik Hammarlund** asked how the applicant can work with the MVC so the Commission has some way to make sure that the space is not finished and alleviate that concern. There are lots of ways to make sure it is not useable space such as a crawl space or a space that is five and half feet tall.
- **Valci Carvalho** said that it cannot be used since it is not handicap accessible.
- **Darran Reubens** noted that it is a public building so an elevator would be needed and two means of egress. There are many technical and legal issues to use that space.

John Breckenridge asked Sheri Caseau for general guidelines for wastewater and asked if you take a de-nitrification system as a rough rule of thumb will the nitrogen decrease by 40-50%.

Sheri Caseau said that with one de-nitrifying system you reduce the nitrogen by almost 50% and there is a better system that takes the nitrogen down to five milligrams.

John Breckenridge noted that the technology is here today for nitrogen reduction and asked if Sheri Caseau has had conversations with the Oak Bluffs Wastewater Department regarding tying into the sewer system from the YMCA and the High School. **John Folino** noted that conversations took place with MTV and Alliance Church and they were told that the Oak Bluffs sewer system did not have the capacity and to not come back to Oak Bluffs to tie into the sewer until the capacity was available.

Doug Sederholm asked what the access will be to the new basement that is 4,500 square feet. There was a discussion about the basement;

- **Darran Reubens** said it is a single staircase from the existing basement connecting to the new basement.

- **Doug Sederholm** stated that he assumes the applicant is willing to commit, as part of their application, that the basement will only be used for storage.
- **Rosemarie Haigazian** said that is the expectation.
- **Doug Sederholm** noted that it is a public building and the basement does not meet ADA accessibility and the fire code for public use. Big changes would have to be made to use it and the applicant would have to come back to the MVC for approval.
- **Rosemarie Haigazian** noted that it would be used for storage and maintenance and things of that nature.
- **Fred Hancock** noted that the space would have to be called passive storage to not be part of the wastewater.

There was a discussion about the access from the Edgartown-Vineyard Haven Road and Ryan's Way.

- **Mark London** noted that because of the Island Road District, a new curb cut cannot be created if there is an existing curb cut within 1,000 feet unless there is no other legal access to that property. Therefore, a new curb cut to this property from the Edgartown Vineyard Haven Road cannot be approved. However, the adjacent Mormon's property doesn't have any other access so they would be entitled to a new curb cut. What had been agreed to when the Nova Vida proposal was originally reviewed is that if and when the Mormon Church property is developed, the Nova Vida Church would tie into the Mormons' curb cut, which would be designed as a shared access, and the Ryan's Way entrance would be closed.
- **Christina Brown** asked for clarification that with the new site plan, the Ryan's Way entrance could be used.
- **Darran Reubens** confirmed that it could.
- **James Joyce** said that Edgartown-Vineyard Haven Road is a State road so the State has control and would have to agree to a new curb cut.
- **Linda Sibley** noted that if there is property and no other way to enter that property, the State would approve a new curb cut.
- **Mark London** noted that a revised plan is needed that shows the phase one access from Ryan's Way.
- **Rosemarie Haigazian** said the problem at the present time, although it is known that The Church of Latter Day Saints owns the property, is whether they decide to keep the property or decide to develop the property. The applicant would have to work with whoever whenever.
- **Fred Hancock** said the MVC would encourage the owners of that property to work with the applicant in the development of the entrance.

4.5 Public Testimony

Chris Fried was wondering about the ability for this building to have solar panels and asked what direction the shed roof faced. **Darran Reubens** said the shed roof faces east and there is the potential for solar panels on the south side of the existing building on an eighty foot run. There is potential but it depends on the cost.

Preston Averill of 15 Ryan's Way does not understand the plan of the three bedrooms and asked what defines a bedroom; is it one bed, two beds, a whole family? Could those three bedrooms be three families?

There was a discussion about the use of the living space.

- **Darren Reubens** said a bedroom is defined as having four walls, a door, and a means of egress.
- **Mark London** asked if there is a limit to the number of unrelated people allowed to live in the three bedrooms.
- **Anthony Capelli** said the Oak Bluffs Zoning Bylaws say a number of things regarding this and allows up to three unrelated people in a dwelling and if there are four unrelated people it is considered a boarding house. There are no educational or religious exemptions.
- **Brian Smith** noted that it has been established that the proposal is three bedroom housing for one family.
- **Rosemarie Haigazian** confirmed that is the proposal.
- **Preston Averill** asked what the definition of a family is.
- **Brian Smith** said he does not think there is a definition of how many people are in a family.
- **Preston Averill** noted that in the past, the cellar of the existing building was used as an apartment.

Preston Averill said that the plot plan shows a fifty-foot setback on Edgartown-Vineyard Haven Road and the parking area is beyond that setback. Then it shows a setback on Ryan's Way and the parking area goes over that fifty foot setback, so why is there a difference between what is allowed on Edgartown-Vineyard Haven Road versus Ryan's Way? **Fred Hancock** said that Edgartown-Vineyard Haven Road is part of the Island Road District.

Preston Averill said there was a statement made about the landscaping business. Last summer there were trucks, equipment and materials and suddenly it all disappeared when the MVC made their site visit and asked if it can be confirmed that it won't come back and the vehicles will not reappear.

There was a discussion about the landscaping business;

- **Rosemarie Haigazian** said it is the expectation that unless landscaping is going on at the property there won't be any landscaping equipment on the property and that is the plan and the presentation to the MVC.
- **Brian Smith** said that if the neighbors notice landscaping equipment on the property they should notify the MVC and the MVC Compliance Committee will come in to review.
- **Valci Carvalho** asked why he could not put his truck on his property during the day.
- **Brian Smith** clarified that Valci Carvalho maybe visiting the church during the day and be there with his landscaping truck.
- **Preston Averill** noted that in the past it was more than just a visit.
- **Rosemarie Haigazian** said in the past it was, but Valci Carvalho has found another location to relocate his equipment.

- **Linda Sibley** said that the Building Inspector is supposed to be the enforcement officer for the MVC conditions. The MVC can take extraordinary action if needed but the Commission would have to go to court. It is the Town that is the enforcement officer.
- **Erik Hammarlund** noted that he is the Chairman of the MVC Compliance Committee. If anyone feels that someone is violating a DRI condition, please bring it to the attention of the MVC staff and they will notify the Compliance Committee. The Compliance Committee will talk about the issue and there are all sorts of things that the Committee can do.

Preston Averill noted that it was said that Edgartown-Vineyard Haven Road was a State Road. It is not a State Highway. The State takes it over periodically for such things as repairing and then turns it back to the Town.

Anthony Capelli of 9 Ryan's Way said that all of these issues started in March 2007. It is now 2013 and there is still no idea what this piece of property is. The neighborhood has been dealing with the issues from the beginning. It was bought by someone and then sold to somebody else, but who owns the property now? The neighbors don't know who to go to as the owner and who to go to in order to enforce what has been approved. The neighbors have a list of things as offered by the applicant in the last DRI that were not fulfilled. The neighbors have lots of skepticism and don't know what to believe and have a problem taking what the applicant states and seeing it to fruition. There have been several attorneys involved as well.

Russell Wendt of 19 Ryan's Way read a letter from Dr. John Campbell of 2 Ryan's Way and submitted it for the written record to the MVC. The following was noted in Dr. John Campbell's letter.

- The owner has a permit for a church but it has not been used as a church.
- There has been an active rooming house in operation on the second floor for the past two years.
- The landscaping business is not owned by the church and the business has been using the property for storage of equipment and materials.
- These activities are in violation of non-profit use.
- A number of years ago another church was approved by the MVC to the east of his home with conditions of no disruption to the neighborhood but he has had to call the Oak Bluffs police for excessive noise nuisance coming from that church. It continues to be a noise nuisance at least three nights a week, so what will it be like with another church.
- He asks the MVC to not approve the plan as it will disrupt the use of Ryan's Way.

Russell Wendt made the following comments on his own behalf.

- He only sees four Commissioners still on the MVC since this project started in 2006. The project has been an aggravation for years.
- He wants to remind the MVC that Ryan's Way is R3-Residential Zoning, zoning which is single-family low-density housing.
- Ryan's Way is a private road that is owned and maintained by Ryan's Way and was paved in 1980. There are ten residences or nine residences plus whatever the property being discussed is used for. It is imperative that a curb cut not be on Ryan's Way and be moved to what is considered the Mormon Church. The Alliance Church should talk with the Mormon Church about access. The Mormon Church is a smart and wealthy church and they pay taxes on their property.

- Wastewater is an issue to all of us and what about the last six or seven years when their use has gone over what was allowed.
- The current owners keep breaking the rules and not playing by the rules. The residents of Ryan's Way love living on their road and have a nice quiet street.
- The traffic study indicates trip generation on a Sunday but there is no church on Sunday only Sunday School. Something doesn't jive here.
- Regarding the architecture, that building is a chicken coop to him. What you see from Ryan's Way is eight to ten feet of wall and roof, which is horrible. Spruce trees should be planted so the residents don't see the building.
- Traffic on Edgartown-Vineyard Haven Road is flowing so it is not seen from there. The residents have to see it and to have this impact with seventy cars is ridiculous.
- There was never a boarding house at 1 Ryan's Way, the septic was upgraded and a building permit was obtained to sell the property, but it never functioned as a boarding house. Structural engineers have not even been discussed.
- A structural engineer is needed to take out partitions for all three bedrooms and have classrooms below. Has this been reviewed and has it passed with whoever does the approval?
- Windows have not been talked about; are they thermo paned and real commercial windows that minimize noise and do they open out onto Ryan's Way?
- A fence was installed between 1 Ryan's Way and 9 Ryan's Way but it doesn't solve the problem and the fence is now falling down.
- As far as site visits, he suggests that the MVC do them more often.

Brian Smith reminded that the conversation needs to be kept to the current application.

Russell Wendt continued.

- He said he was using that note as an example. The church down the street now has a mural on it and has painted the building green; was their hand slapped and was there any follow up? His point is that the MVC has to stay with a project continually.
- He is not an expert on housing rules but the applicant will need fire suppressant systems and fire alarms. It is a commercial building so why doesn't there have to be an elevator or some egress for unrelated activities between the first and second floors and that needs to be delved into.

Brian Smith noted that the building has to be built to code and that is why there is a Town Building Inspector. **Russell Wendt** thinks the Building Inspector should be present at the next meeting to answer questions.

Russell Wendt continued.

- The building costs money, big money to build. It is not slapping up a steel building and pouring concrete walls. There is a lot of money involved. He does not think they know what they are doing, this is big money involved here.

There was a discussion of the application and review process.

- **Brian Smith** noted that he is confident that the applicant knows what they are doing.
- **Doug Sederholm** noted that the applicant has to obtain a building permit and that would not be issued if their plans do not meet building code.

- **Russell Wendt** said that since the Building Inspector has not been part of this conversation the applicant may be going down the wrong road.
- **Erik Hammarlund** noted that the Building Inspector has to be involved as it is a legal requirement.
- **Brian Smith** stated that if there are specific questions, they can be submitted to the MVC and the Commission will get the answers in writing from the applicant.
- **Erik Hammarlund** said the applicant has to get approval from the MVC first before they can get the permit from the Town.

Russell Wendt continued.

- It has to be definitive on what a bedroom is, what a family is, who the property manager is and who is in charge of things for the property. The issues regarding the property have been going on for seven years now and the residents of the neighborhood have to be forthright. He is thankful for all of the time the Commissioners have put in on this project; he knows it is a long road.

Kris Chvatal is an abutter to the property. The square footage is off from what the Town Assessors spreadsheets state. He wants to talk about one thing, the size of the property. The Pequot Hotel, The Island Inn, and the Surfside Motel are all buildings that are smaller than this finished building. This may be the largest building built on a residential lot since 1965. The size of this building is astonishing. The Assessor has the existing building at 8,900 square feet which would bring the finished project closer to 18,000 square feet. The average square footage of a residence on Ryan's Way is 4,300 square feet. The industrial buildings in the vicinity that can be seen from the road are; Alliance Church 8,900 square feet, Chapman Funeral Home 2,700 square feet, MTV Building 4,000 square feet and the Mason's building 5,600 square feet. Residential homes that can be seen are Dr. Campbell's home 7,600 square feet, Chief Blake's house 2,700 square feet and Ron Gamba has two structures 1,000 square feet and 2,600 square feet. The largest building is the Alliance Church and this proposal will be double that size. The size of the project is just breathtaking.

There was a discussion about the size of the building;

- **Doug Sederholm** asked if all of the numbers presented include the basement as well as the proposed building.
- **Kris Chvatal** confirmed that it is apples to apples.
- **Doug Sederholm** noted that the proposal is an addition with a 4,500 square foot basement to be used for passive storage and equipment and an existing building that is 2,560 square feet, but in terms of mass it is an 18,000 square foot building.
- **Kris Chvatal** said that for consistency of data the Assessor's data was used.
- **Doug Sederholm** noted that there is no doubt that the proposed building is bigger than the residences.
- **Kris Chvatal** noted that it is not just the residences but the other buildings as well and the proposed project will empty out onto a private road.
- **Doug Sederholm** noted that there is not a way to have the applicant go out of the Mormon property at this time.
- **Linda Sibley** asked if this will be one big building or two separate structures once it is constructed.

- **John Folino** said it would be one building.

4.6 Commissioners' Review

Mark London noted that there are some missing items from the applicant;

- Phase one plan with entrance to Ryan's Way.
- To meet with the applicant and have a clear proposal on wastewater and de-nitrification.
- An elevation of the west side of the building is missing.
- The applicant may want to visit the Building Inspector to ensure that what is being proposed is feasible.
- A new set of offers.

There was a discussion about noise:

- **Doug Sederholm** asked whether the windows can be opened and closed and will they be closed during services and can that also be included in the items still needed as well as the quality of the sound insulation in the building, since the neighbors have testified that noise is a serious concern. It is an unpleasant situation with the church that is down the street.
- **Rosemarie Haigazian** said the applicant can address that now.
- **Darran Reubens** said the windows are double pane like residential windows. The doors will also reduce the sound drastically. It will be sprayed icynene insulation or closed foam insulation.
- **Doug Sederholm** asked what will be done to address sound in the sanctuary.
- **Darran Reubens** said that sound board will be installed on the inside and there will also be sprayed insulation as well as double pane windows. The sound will be reduced by 85-90%.
- **Doug Sederholm** asked if there will be any sound deadening material on the ceiling of the sanctuary.
- **Darren Reubens** confirmed that there would be and the sound boards are acoustical.
- **Doug Sederholm** asked if that is part of the proposal.
- **Darren Reubens** confirmed that it is a necessity for the church and it has to be done.
- **Rosemarie Haigazian** noted that what is described as the common room will be to the left of the sanctuary and it will act as a buffer for the sound to the abutters.
- **Doug Sederholm** said that he understood that amplified music is an integral part of the church service and will that only occur within the sanctuary or will there be other rooms used for amplified music.
- **Valci Carvalho** said that the amplified music is only in the sanctuary. Right now the Church meets at the Federated Church in Edgartown. In the past four years there has only been one complaint and that was because the window was left open.
- **James Joyce** asked if the windows will open and close.
- **Darran Reubens** said the church will have air conditioning and when the music is amplified the windows will be closed and the air conditioning will be on. They need operable windows to meet egress and fire code and that is part of the application.
- **Mark London** noted that the MVC has dealt with several churches and staff can go through the offers and find the best for noise mitigation to assist the applicant.

Chris Fried asked if the building can be designed to meet LEED Certification and energy efficiency for a low impact on the environment. **Brian Smith** said that perhaps the applicant can discuss and present that at the next public hearing and get back to the MVC if it will be part of their proposal.

Tim Carroll wondered why there are two kitchens side by side on the first floor and will the shower and toilet facilities be kept. **Valci Carvalho** said that there will only be one kitchen and the shower and toilet facilities will be kept. **Tim Carroll** asked what the purpose of the showers downstairs is for if there are no residents. **Valci Carvalho** said it is for the classrooms and the playground for the kids.

Brian Smith, Public Hearing Officer, continued the Public Hearing until June 20, 2013 to take additional public comment.

Fred Hancock, Chairman recessed the meeting at 8:55 p.m. and reconvened at 9:00 p.m.

5. SEA LEVEL RISE AND CLIMATE CHANGE PRESENTATION BY VINEYARD CONSERVATION SOCIETY

Commissioners Present: J. Breckenridge, C. Brown, T. Carroll, J. Goldstein, E. Hammarlund, F. Hancock, J. Joyce, W. Karl McLaurin, C. Rose, D. Sederholm, L. Sibley, B. Smith.

Fred Hancock stated he and Mark London attended the All Island Selectmen Meeting last week and Phil Henderson gave a presentation of the Vineyard Conservation Society (VCS) on sea level rise. A lot of the information for the presentation came from MVC GIS Coordinator Christine Seidelas a joint effort between the VCS and the Commission.

5.1 Vineyard Conservation Society Presentation

Phil Henderson presented the following:

- He is a resident of Tisbury and a member of the VCS board.
- Forecasts and mapping originated at the Commission and the VCS prepared a presentation to explain the impacts of rising seas.
- Focusing on rising seas is tangible. The VCS is impressed by the breath and the urgency. The breath is that no single town or agency can possibly deal with it alone. The urgency is because lead times for any large actions or projects are long.
- The other side of the coin is that the forecasts could come to fruition within the lifetime of the current kindergartners that are on the Island now.
- The forecasts used for this presentation are those that are used in the U.S. and the climate change adaptation report.
- The maps that will be reviewed have two colors; the yellow areas are flooded by a rise of one meter (three feet three inches) and are forecasted to happen sometime by midcentury, 2050-2070. The red areas are inundated by an additional one meter rise to a total of six feet one inch and the forecasts occur after the end of the century 2100-2120. The maps do not show any additional flooding due to high tides or storm surges. Maps of the Island were reviewed.
 - Tisbury; Beach Road to Oak Bluffs and the Tisbury downtown area:
 - Beach Road to Oak Bluffs is the first area to see impacts. Within this area is industrial uses and Packer Fuel.

- For the downtown area the ultimate extent is that the water reaches half of Main Street. Within that area are municipal parking lots, the SSA terminal, businesses and homes.
- Hines Point could become an island.
- Oak Bluffs frontage on Vineyard Haven Harbor is low lying land. Several roadways would be impacted by the water rise such as East Chop Drive, Eastville Avenue and possibly County Road.
- The Hospital ends up being surrounded and parking on the front side appears to be inundated.
- **Mark London** noted that the Martha's Vineyard Hospital was urged by the MVC to do a similar study and because of that study they did revise their design.
- Oak Bluffs Harbor:
 - The forecast shows that the Harbor soon after the end of the century would go up towards East Chop Drive.
 - On the Campground side the water does get into the campground, New York Avenue and the side towards Sunset Lake.
- Farm Pond:
 - From Seaview Avenue towards Edgartown the land all around Farm Pond is low and marshy.
 - The water would get into residential neighborhoods and Waban Park.
 - **Erik Hammarlund** noted that if rising water did actually occur the residential area would be water and the beach would be further inland.
 - **Mark London** said that the forecast shows theoretical stillwater rise; the actual impacts would likely be different.
 - On the seaward side of Seaview Avenue, Ice Pond would be affected and Harts Harbor.
- Edgartown:
 - Edgartown has a tremendous amount of frontage on the water.
 - Sengekontacket Pond would extend inland.
 - Parts of Eel Pond would move inland into Sheriffs Pond.
 - The new shoreline would be the inland side of the ponds.
 - The downtown waterfront, Starbuck Neck past Cook Street would be inundated and it could get up to North and South Water Streets.
 - The Chappy ferry terminals would be affected.
 - Chappy Point and Gardener Beach are inundated and Calebs Pond becomes an island.
 - Basically the waters of Katama Bay, Cape Pogue Bay and Poucha Pond will all tend to move inland.
 - The barrier beaches will also be impacted. What we don't know about, is the following impact; along with the rising water the forecast talks about the increasing of big ocean storms and lower frequency of the smaller storms. If large storms are more frequent we don't know if it will give time for the barrier beaches to heal when they are breached. They will get relocated and rearranged.

- Chappy shows one of the downsides of the approach to sea level rise because basically it only uses the existing elevation data which only shows land below certain elevations.
- Katama Road, Atlantic Drive and Edgartown Bay Road could get inundated and there are more than one hundred homes in the area.
- West Tisbury and Chilmark:
 - The Great Ponds will be affected. The water rising pushes the ponds farther inland. Dwellings and farmland in the area would be subject to damage.
 - Barrier Beaches will hopefully migrate and provide the protection they always provide.
- Chilmark, Aquinnah and Menemsha:
 - In Chilmark most of the houses are up on the hills and are out of harm's way.
 - The harbor and the cranberry lands along West Basin Road and up to Lighthouse Road will be inundated and Menemsha Pond will be exposed to storms from the North and Northwest.

There was a discussion about the data.

- **Doug Sederholm** asked if what is being shown is what is going to happen within the next ninety years assuming the forecasts are right.
- **Phil Henderson** confirmed that. The data is based on the United Nations Climate Data and based on a number of localized studies. If you look at just the global water level around the world, it tells you something but not what is happening just here on the Island.
- **Mark London** noted that supposedly the east coast of the U.S. from North Carolina to Boston is the hot spot for the U.S. for sea level rise.
- **Phil Henderson** said the actual rise on the Island is eleven inches over the last one hundred years, but it will be accelerating rapidly. A lot of people think the rate of rise in the second half of the century will be two to three times what it was in the first half of the century. It has to do with the melting of the ice and tundra melts that are in place already and will show up in the coming years.
- Takeaway Messages:
 - The impacts of the water level forecast for soon after the end of this century could be severe, comprehensive and Island wide.
 - Our infrastructure could be dramatically changed. On the public side the following will be impacted; roads, water, sewer systems, buildings, ferry terminals, harbors, docks and beaches. On the private side the following will be impacted; electric power, communications and transportation (boatyards, marinas, freight and fuel docks).
 - Public revenues and cost impacts could be unprecedented.
 - Lost revenues from harbors, docks and other public enterprises.
 - Lost property tax revenue from properties destroyed or rendered non-useable.
 - Reduced property tax valuations due to perceived or real threat.
 - Increased costs for public safety, repair and relocation of infrastructures, insurance and design, engineering and legal services.

- Economic Impacts might include reduced tourism business and sales tax revenue, reduced employment and revenues from food and lodging businesses, the second home economy and construction. Also impacts to fishing and shell fishing and boating/marina sectors.
- No single town or agency would be able to “go it alone” in addressing the problem, especially since the towns share many of the ponds and infrastructure.
 - Prevention is impossible.
 - Mitigation could cost hundreds of millions of dollars.
 - Cooperation and planning are cheap by comparison and may ultimately turn out to be our best hope.
- The maps were prepared by the MVC using elevation data from the Commonwealth’s Mass G18 Database. The maps do not show the additional flooding that results from high tides and storm surges, they only show sea level. They are based on present day topography and do not incorporate scenarios of present day barriers to rising seas such as dunes, roads and other infrastructure.
- He would be glad to do a presentation in each of the Towns and the VCS is happy to brainstorm and share what we know with the MVC.

5.2 Commissioners Discussion

Mark London noted the following.

- This information suggests that it was good that the MVC had created the Coastal DCPC because it limited development along the coast, taking hundreds of millions of dollars of potential development out of harm’s way.
- There is also material regarding this subject in the Island Plan.
- Jo-Ann Taylor (Coastal Planner, DCPC coordinator) is working on an update of the Pre-disaster Mitigation Plan and that update was last done five years ago. This time it will include sea level rise. The draft should be done this summer and the material can be presented to the Commission at that time.
- The Towns and the communities need to ask ourselves questions regarding building and development. Should development be prohibited in the highest risk areas, and should there be higher standards for areas at next highest risk?

James Joyce said you can see the change with the maps but the change will be gradual and incremental.

Christina Brown noted that with storms like Sandy, the changes can happen relatively quickly.

Erik Hammarlund said there are triggering events and water levels that will affect areas such as water over a sea wall.

Phil Henderson noted that Chatham passed a bylaw that prohibits new houses in flood prone areas and that bylaw was tested and it stood up in court.

Jo-Ann Taylor made the following comments.

- Everyone is interested in the rate of sea level rise for planning purposes and the Intergovernmental Panel on Climate Change has been doing assessments every five years. The last one was in 2007.

- It has recently come to light that not only air temperatures are rising but water temperatures are rising at a faster rate. As water temperature rises it expands and ice can melt quicker.
- The numbers she is working with are estimates of about one and half feet in fifty years and five feet in the next one hundred years. Within that one and half feet there may not be a lot of buildings but a tremendous amount of infrastructure and fifty years is not a long time for planning for perhaps losing a lot of major roads.
- The worse thing to do is to ignore sea level rise. We even see now higher and lower tides than we have had before as well as how long it takes for the water level to go down. Most people are concerned about the beaches, roads and bridges, but we will also look at increased rainfall in the winter and in summer periods of short-term drought and heavy rainfall.

6. NEW BUSINESS

Commissioners Present: J. Breckenridge, C. Brown, T. Carroll, J. Goldstein, E. Hammarlund, F. Hancock, J. Joyce, W. Karl McLaurin, C. Rose, D. Sederholm, L. Sibley, B. Smith.

6.1 Reports from Chairman, Committees and/or Staff

Housing Needs Assessment

Christine Flynn handed out the third interim report of the Housing Needs Assessment for the Commissioners to review. There will be a planning presentation meeting on June 19, 2013 from 7:00 to 8:30 p.m. at the Tisbury Senior Center and she encourages and invites all to attend. Christina Brown has been a great representative to the study committee.

Christina Brown highly recommends that the Commissioners read the draft. It has provocative ideas to raise and obtain funding and ways to build different kinds of housing.

Composting Workshop

Christine Flynn said there will be a Composting Workshop on May 20, 2013 at 12:30 p.m. Town and State representatives from EPA will attend for a panel discussion. The discussion will be on large scale industrial composting. In 2015 the State will be implementing private residential requirements as well as for hospitals, restaurants and schools.

The meeting was adjourned at 9:50 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, Held on April 11, 2013
- Martha’s Vineyard Commission – DRI # 603-M3 Nova Vida/Alliance Expansion, MVC Staff Report – 2013-02-01
- Alliance Community Church Applicant’s Narrative Dated 1/8/2013
- DRI 603-M3 Nova Vida Alliance Expansion Plans Dated 4/7/2012
- DRI 603-M3 Nova Vida Alliance Expansion Site Plan Dated 10/22/2012

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Chairman

Date

7-11-13

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Clerk-Treasurer

Date

7-11-13