

NOTE: Applicant's report on the status of DRI 600 Conditions is in bold type.

5. CONDITIONS

After reviewing the proposal for this Development of Regional Impact, the Martha's Vineyard Commission imposes the following conditions in order to increase the benefits and minimize the detriments of the project. The analysis of benefits and the resulting decision to approve the project is based on the proposal as modified by these conditions. These conditions form an integral and indispensable part of this decision.

These conditions are an essential part of this decision and shall be enforced as written. If the Commission finds it necessary to seek judicial relief to enforce the condition, the Applicant, or its successors in title at the time of such proceedings, shall pay the Commission's attorney's fees and costs incurred in obtaining judicial relief.

1 Wastewater

- 1.1 As offered by the Applicant, the YMCA of Martha's Vineyard shall join the High School in a joint wastewater treatment solution for both buildings. This currently involves pumping the wastewater to the Oak Bluffs Wastewater Treatment Facility and pumping the treated wastewater back to a leaching field on the High School property. This plan has been approved by the HS Land Use Subcommittee, the High School Committee, and the Oak Bluffs Wastewater Commission.

The wastewater system has been constructed and activated. It will serve the High School, Community Services and the YMCA. Provision has been made for Island Elderly Housing and the Ice Arena to tie in at a future date. The only change is this condition is that instead of wastewater being piped back to the High School leaching fields, it will be processed at the Oak Bluffs Wastewater Facility.

- 1.2 As offered by the Applicant, the YMCA of Martha's Vineyard shall pay a share of the cost of construction and operation of the joint wastewater treatment solution equal to its share of the combined High School / YMCA flow, with a minimum of 10%.

The Town of Oak Bluffs now manages the USDA grant for this wastewater system. 40% was an outright grant. The other 60% will be paid in installments by all participating entities, beginning at the completion of construction and activation of the system.

2 Stormwater

- 2.1 As offered by the Applicant, the YMCA of Martha's Vineyard will include one bio-retention basin and bio-retention swales on the site (as shown on the July 18 plan).

The bio-retention basin has been completed and is being vegetated. The bio-retention swales will be completed by our opening on May 29, 2010.

- 2.2 As offered by the Applicant at the August 9, 2007 public hearing the YMCA of Martha's Vineyard will make the grassy area between the Arena and the Skate Park a bio-retention basin rather than a swale if it is satisfactory to NHESP and can be engineered.

This bio-retention basin is completed.

- 2.3 The YMCA of Martha's Vineyard will submit an operations and maintenance plan to the LUPC for review and approval for the stormwater system including bio-retention swales and basins, catch basins, and downstream defender treatment units.

Operation and maintenance plans were reviewed and approved by LUPC on May 11, 2009.

- 2.4 The final Stormwater Management Plan shall be submitted and is subject to review by staff and approval of the LUPC prior to construction. The Applicant shall provide full-size construction documents of the site plan and civil engineering details for the stormwater system including bio-retention swales and basins, catch basins and downstream defender treatment units. The Applicant shall provide plan-view details of the bio-retention forebays and basins in addition to cross sections. It is recommended that the plans for the bio-retention areas meet the design specifications as prepared for the MV Hospital including the following suggestions: 1) The outflow from the forebay should not be designed directly opposite the inflow of the bio-retention basin to prevent clogging of the spillway; 2) The overflow spillways from both the forebays and the bio-retention outlets should be stabilized with erosion control matting or other suitable material such as rip rap.

The Stormwater Management Plan was reviewed and approved by LUPC on May 11, 2009.

3 Affordable Housing

- 3.1 As offered by the Applicant, the YMCA of Martha's Vineyard shall make a contribution of \$7,100 a year for ten years to the Dukes County Regional Housing Authorities Rental Conversion Program to be specifically limited to eligible YMCA employees.

A payment of \$7,100 will be made to the Dukes County Regional Housing Authority Rental Conversion Plan beginning at the end of our first year of operation, and each year for ten years.

- 3.2 As offered by the Applicant, the YMCA of Martha's Vineyard shall provide a minimum of \$80,000 a year for subsidized memberships to Island families that qualify or are likely to qualify for affordable housing. (This \$80,000 represents about 8% of the anticipated annual membership fees. The YMCA anticipates that these subsidies will be considerably higher than the minimum.)

A minimum of \$80,000 per year will be provided for subsidized memberships and will be granted according to individual needs.

- 3.3 As offered by the Applicant the YMCA of Martha's Vineyard shall consider creating staff housing in phase 2.

Creative staff housing will be considered as part of our Phase II construction program.

4 Landscaping

- 4.1 As offered by the Applicant, a final landscaping plan, including an implementation timetable, showing plant species and locations shall be submitted for the review and approval of LUPC before construction begins. All landscaping plans shall use best management practices.

A landscape plan was submitted and approved on May 11, 2009.

- 4.2 As offered by the Applicant, all fertilizers shall be slow-release, water-insoluble nitrogen source types. No synthetic pesticides including herbicides, fungicides and/or insecticides shall be used in the maintenance of landscaping.

Fertilizers for all plantings will be slow-release, water-insoluble nitrogen source types. No synthetic pesticides including herbicides, fungicides and/or insecticides will be used.

- 4.3 As offered by the Applicant, the YMCA of Martha's Vineyard will not be using Town water for outdoor landscape use, only collected and recycled rainwater.

The Y is requesting a modification to install a temporary irrigation system until foundation plants are established. In approximately three years, the system will be permanently decommissioned. Native plantings will be used as per the plant list submitted to the MVC.

- 4.4 The landscaping plan shall include trees that will create a canopy to help shade parking, absorb nitrogen and reduce heat in the pavement. In the perimeter of the building, non-native plants including cool season grasses for a lawn may be used; all landscaping outside of that perimeter shall be native plants only, predominately pitch pine and scrub oak with limited areas in native grasses such as little bluestem and switch grass.

All landscaping is currently going into the ground. A canopy of trees will create shade for parking. Names and numbers of all native plants are on the previously submitted list.

- 4.5 The YMCA shall include landscape plans for the bio-retention swales and basins. Specific plants and quantities shall be noted. It is recommended that plantings are not placed too close to the inflow points of the catch basins to prevent overcrowding.

Plants in the bio-retention swales and basins are noted on the submitted plant list. No plants will not be placed near inflow points.

5 Exterior Lighting

- 5.1 As offered by the Applicant, any landscape lighting shall extend no more than four (4) feet above the ground.

Landscape lighting will be installed by opening date and will extend no higher than four feet.

- 5.2 As offered by the Applicant, any security lighting shall be motion sensitive.

Security lighting, if any, will be motion sensitive.

- 5.3 As offered by the Applicant, all exterior lighting shall be downward shielded to prevent direct light from escaping the property.

Exterior lighting will also be installed before the opening and is downward shielded.

- 5.4 The only lighting that shall be allowed is that required by code and it shall be either motion-sensitive or on timers to ensure that they are turned off during the day as well as turned off during the night when the building is not occupied.

Exterior lighting will be limited to code requirements and will be automated by timers.

- 5.5 Any lighting mounted on the sides of buildings facing or perpendicular to the habitat for rare and endangered species shall be shielded to shine down only, preventing any spillage in a horizontal

direction, and shall use yellow "bug light" bulbs. There shall be no sodium vapor lights and bug zappers shall be prohibited.

Yellow exterior "bug lights" will be used in areas facing or perpendicular to the habitat for rare and endangered species. No sodium vapor lights or bug zappers will be used.

6 Waste/Recycling

- 6.1 As offered by the Applicant, recycling bins shall be in use and emptied regularly.

Recycling bins will be placed in the commercial kitchen as well as in the snack bar area by opening day. Bins will be regularly emptied.

- 6.2 As offered by the Applicant, all kitchen oil shall be recycled and given to an Island supplier of bio-diesel willing to come and pick it up.

The Y had collaborated with the High School Science Department regarding kitchen oil. They will provide drums for us to collect used kitchen oil. They will collect it regularly. It will be recycled and converted to bio-diesel fuel by the High School students.

7 Open Space

- 7.1 As offered by the Applicant, the project shall be developed in such a way as to retain at least 45% in Open Space.

At full development, the Y project will retain approximately 45 % Open Space.

- 7.2 As offered by the Applicant, the YMCA of Martha's Vineyard shall maintain a no-build zone in the rear of the YMCA property as shown on the plan.

The Y will maintain a no building zone in the rear of the property by creating and maintaining a conservation restriction as shown on the plan. The document is a Declaration of Covenants, Habitat and Open Space Conservation. (see 8.3)

8 Habitat

- 8.1 As offered by the Applicant, the YMCA of Martha's Vineyard has filed with MESA and is in the process of negotiating a final plan with the Massachusetts Natural Heritage and Endangered Species Program.

The plan was filed with Natural Heritage on August 7, 2007. We have verbal approval from Natural Heritage and will have our final written approval letter by April 15, 2010.

- 8.2 As offered by the Applicant the YMCA of Martha's Vineyard shall comply with the final negotiated plan with NHESP.

The Y will comply with the final negotiated plan with NHESP.

- 8.3 The YMCA shall permanently protect habitat within the leased YMCA property but outside the proposed limit of work by placing a Conservation Restriction approved by the NHESP and agreed to by the Martha's Vineyard Regional High School. This Conservation Restriction must be in place at the time the Certificate of Occupancy is issued.

A Declaration of Covenants, Habitat and Open Space Conservation was filed with the Dukes County Registry of Deeds, Book 1140, page 653, on January 11, 2008. A copy of this document has been given to Paul Foley at the Martha's Vineyard Commission.

9 Energy/Sustainability

- 9.1 As offered by the Applicant, the YMCA of Martha's Vineyard is committing to achieve initiatives that would gain LEED (Leadership in Energy and Environmental Design) Certification with a higher goal of Silver Certification

The Y has accomplished “green” initiatives in the building totaling 27 LEED points, enough to achieve the higher level of Silver LEED Certification. However, the additional cost of obtaining the actual certification plaque was deemed prohibitive. The Y Board, along with the architects and builders, made the decision to put that money to better use by upgrading other components of the building. The builders and architects have confirmed the 27 points achieved, and the building is now “Silver level LEED-equivalent”.

- 9.2 As offered by the Applicant, the YMCA of Martha's Vineyard shall design the building structure and systems to accept the installation of solar panels on the roof for domestic hot water and/or for electrical generation. The YMCA shall install these panels in the future if and when funding is available.

Solar panels have been prominently installed on the roof over the main entrance of the building. They will provide domestic hot water to the facility.

- 9.3 As offered by the Applicant, the YMCA of Martha's Vineyard shall conduct a sensitivity analysis of their geothermal cost comparison study to ensure that the YMCA's final decision is based on full and accurate information.

An analysis was conducted to determine whether geothermal energy generation was viable. It was determined that solar panels would deliver more efficient energy for our needs.

10 Transportation

- 10.1 As offered by the Applicant, the YMCA of Martha's Vineyard shall create 57 new spaces on the Y property subject to MESA approval.

57 new parking spaces have been created.

- 10.2 As offered by the Applicant, there shall be a minimum of 50 shared parking spaces at the rear of the MV Arena available to the YMCA, especially for special events.

50 shared parking spaces will be completed prior to opening.

- 10.3 As offered by the Applicant, the YMCA of Martha's Vineyard shall landscape the 22 spaces adjacent to the YMCA property on the Arena Property according to the plan, as well as the landscape screening, subject to the approval of the MV Arena and all permitting authorities.

Landscaping will be provided for the 22 parking spaces adjacent to the Y property on the Arena Property according to the submitted plan. Work will be completed by opening date.

- 10.4 As offered by the Applicant, raised internal crosswalks shall be incorporated in two locations as noted on the MS Transportation Campus Plan drawing, to be located at the walkway from the YMCA front door and at the crosswalk in the shared YMCA/Arena access drive.

Two raised internal crosswalks will be constructed prior to opening date.

- 10.5 As offered by the Applicant, a dedicated bus drop off and shelter shall be located on the west end of the drive in front of the YMCA.

The dedicated bus drop off and shelter will be constructed prior to opening date.

- 10.6 As offered by the Applicant, the YMCA shall participate in the design and construction of two crosswalks across Edgartown-Vineyard Haven Road and will contribute \$10,000 minimum to this work.

The Y collaborated with the Oak Bluffs Highway Department to create two crosswalks across the Edgartown-Vineyard Haven Road at the points marked on our site map. They have scheduled work to take place the week of April 12.

- 10.7 As offered by the Applicant, if there is an agreement between the VTA and others to move the bus stop now in front of the Skate Park on Edgartown Vineyard Haven Road closer to Woodside Village Road, the YMCA shall contribute \$5,000 towards relocation of the stop and landscaping in front of the Skate Park.

At this time, the VTA has no plan to move its bus stop. If it does so in the future, the Y will participate in that process.

- 10.8 The YMCA shall carry out an informational campaign promoting the use of buses to their employee and members.

The Y and the VTA have collaborated to produce a schedule of regular pick-up and drop-off time during all hours the Y will be open. We will produce schedules in flyer form, on digital display panels in the Y, and in the newspapers. Fliers will be in a box at the bus stop and also at the membership desk inside the Y.

11 Scheduling of Construction Process

- 11.1 As offered by the Applicant, the construction managers for the YMCA shall coordinate heavy load deliveries with construction managers from the MV Hospital and the Beach Road drawbridge projects to minimize traffic impacts and shall keep town officials informed.

Metric Construction coordinated its heavy load deliveries with construction managers from the MV Hospital and the Reach Road drawbridge projects. Heavy construction at the Y is now completed.

12 Walking Trails

- 12.1 As offered by the Applicant, the existing path connecting to the Old Holmes Hole Road shall be maintained as is, providing access by foot and bicycle through the YMCA site.

The path connecting to Holmes Hole Road will be maintained in perpetuity.

13 Economic Impact

- 13.1 As offered by the Applicant the YMCA of Martha's Vineyard is committed to buying local products whenever possible but realizes that some items like commercial pool supplies and equipment may not be available on the Island. The Y is committed to providing qualified Island-based subcontractors the opportunity to bid on the project.

The Y has engaged a large group of Island sub-contractors and many more have volunteered time and materials to the project. A plaque will be placed in the Y citing all in-kind contributions from Island businesses.

- 13.2 As offered by the Applicant the YMCA of Martha's Vineyard shall make every effort to find a membership level that is affordable to individuals and families. (The YMCA of Martha's Vineyard believes that everyone should pay something to join the Y but understand there are always special circumstances. The Y's endowment and annual fundraising will help keep membership rates low.)

Membership fees have been set below any other health clubs on the Island. Financial assistance is available upon request.

14 Pool

- 14.1 As offered by the Applicant, the pool water shall be treated with Miox. (Miox is a water purifying system that uses salt electrolysis to create mixed oxidants and chlorine (HOCL) to treat pool water.)

With the passage of time, new technologies emerge. We originally offered to build a Miox water purification system, which was superior to Chlorine systems at the time. Since our DRI approval, a new UV system has been developed and is far superior to either Chlorine or Miox. With UV systems, bacteria in the water are killed by the UV lights prior to the water entering the pool. State health codes require a minimal amount of chlorine, less than 1%. We will comply with that code.

15 Architectural Detailing

- 15.1 As offered by the Applicant, final architectural details shall be submitted for the review and approval of the LUPC before a Building Permit will be issued.

Architectural details were submitted and approved on November 13, 2007.

16 Substantial Alterations

- 16.1 As offered by the Applicant, should the applicant, substantially alter the use of the premises from the proposed uses, it shall return to the Martha's Vineyard Commission to request approval of these changes.

The Y foresees no substantial alteration in the use of the premises.

17 Certificate of Compliance

- 17.1 The Executive Director of the Martha's Vineyard Commission may issue Certificates of Compliance, which shall be conclusive evidence of the satisfaction of the Conditions recited herein.

We look forward to receiving the MVC's Certificate of Compliance.