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## Minutes of the Commission Meeting Held on January 5, 2017 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

### IN ATTENDANCE

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

P Trip Barnes (E-Tisbury)	P James Joyce (A-Edgartown)
P Gail Barmakian (A-Oak Bluffs)	P Joan Malkin (A-Chilmark)
- Yvonne Boyle (A-Governor)	P Katherine Newman (A-Aquinnah)
P Christina Brown (E-Edgartown)	P Ben Robinson (A-Tisbury)
- Peter Connell (A-Governor; non-voting)	P Doug Sederholm (E-West Tisbury)
P Robert Doyle (E-Chilmark)	P Linda Sibley (E-West Tisbury)
- Josh Goldstein (E-Tisbury)	P Ernie Thomas (A-West Tisbury)
P Fred Hancock (E-Oak Bluffs)	P Richard Toole (E-Oak Bluffs)
- Leonard Jason (A-County)	P James Vercruysse (E-Aquinnah)

Staff: Adam Turner (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Planner), Christine Flynn (Economic Development and Affordable Housing Planner), Priscilla Leclerc (Senior Transportation Planner), Jo-Ann Taylor (Coastal Planner, DCPC Coordinator).

**Chairman James Vercruysse** called the meeting to order at 7:00 p.m.

**James Vercruysse** welcomed Gail Barmakian and Richard Toole to the Commission. He noted that Linda Sibley has agreed to be the Chairman for LUPC. He thanked Fred Hancock for his hard work as the former LUPC Chairman, and noted that he has been appointed as the PED Chairman.

### 1. 4 BERYL WAY HISTORIC DEMOLITION-OAK BLUFFS DRI 667 PUBLIC HEARING

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Commissioners Present: T. Barnes, G. Barmakian, C. Brown, R. Doyle, F. Hancock, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

**Linda Sibley**, Public Hearing Officer, opened the Public Hearing and continued the public hearing to January 19, 2017 at the request of the applicant.

### 2. MASONIC AVENUE HISTORIC DEMOLITION-OAK BLUFFS DRI 651 PUBLIC HEARING

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Commissioners Present: T. Barnes, G. Barmakian, C. Brown, R. Doyle, F. Hancock, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

For the Applicant: Matt Viaggio

**Linda Sibley**, Public Hearing Officer, opened the Public Hearing and read the public hearing notice. The location of the project is 96 Dukes County Avenue, Oak Bluffs Map 11 Lot 193. The proposal is to demolish a 3,049 sf house built in 1895. The public hearing process was reviewed.

## **2.1 Staff Report**

**Paul Foley** presented the following:

- The property was originally two lots that were merged during the Bradley Square permitting process.
- Approximately two thirds of the lot is in the Residential District, and about one third is in the B-1 Commercial District.
- According to the Town By-laws: "No permit for demolition of a building determined to be a preferably pre-served building shall be granted until all plans for future use and development of the site have been filed with the Building Commissioner."
- The applicant is looking for a demolition permit.
- The building was identified as historically significant and designated as "preferably preserved" by the Oaks Bluffs Historical Commission on February 10, 2015. The OBHC had not yet voted on a six month demolition delay when the project was referred by the Building Inspector. The MVC DRI application has been on hold since April 2015. At that time, the MVC requested the Massachusetts Historical Commission to assist in assessments of historic significance. In September, the MHC responded that they could not do that for a Regional Planning Agency. They later indicated it could be done for a local historic commission or a historic homeowner. The review has been delayed since then because the applicant did not file a DRI application or pay the DRI fee until November 2016.
- The lot is surrounded by primarily single-family homes in both the residential and business district.
- The structure was built in 1895 as a Mission to help Portuguese immigrants assimilate into American society. In the 1920's the building became the Bradley Memorial Church, reputedly the first primarily African American church on the Island. The Rev. Oscar Denniston lived upstairs with his family.
- The building has been largely abandoned for several decades.
- The property was two lots that were purchased on June 29, 2007 for \$407,250 and \$497,750 for a total of \$905,000 by the Island Affordable Housing Fund, Inc. (IAHF). IAHF proposed the Bradley Square project (DRI 612) which was reviewed by the MVC and approved with conditions in 2008. The project was then revised somewhat and approved with conditions in March 2009.
- In 2010 the owners, IAHF, ran into financial trouble and could not develop the project as planned and applied for a demolition permit. The building was designated as "preferably preserved" by the Oaks Bluffs Historical Commission on December 8, 2010, beginning a six month demolition delay which was referred to the MVC for DRI review and subsequently withdrawn.
- The property was auctioned off by MV Savings Bank on August 3, 2010 for \$495,000. The applicant said in early 2015 that it took him three years to obtain clear title to the property.
- The building has been identified by the OBHC as historically significant. The MHC and the MACRIS page includes two Form B surveys (1979 and 1999) assessing the historic significance of the building with two essays on the history of the building.
- The 1979 Form B recommended the building for listing in the National Register of Historic Places as a contributing structure to a potential African American Historic District. The 1999-2000 Update lists the building as also eligible individually due to Rev. Bradley's work with Portuguese immigrants in the Oakland Mission Hall. In 1999, the MVC hired UMASS Archaeological Services to prepare a "Community Wide Architectural Survey Update" for Oak Bluffs, which recommended creating an African American Historic District that included this building.
- The house has been known in the past as the Oakland Mission Hall, the Bradley Memorial Church, and the Denniston house.



- The DRI referral was received from the Oak Bluffs Building Inspector.
- The DRI Triggers are 3.4: Demolition in a Commercial District; 8.2i: Demolition of Building Identified as having Historic Significance (which is a Mandatory Public Hearing DRI Review); and 8.2ii: Demolition of Building over 100 Years Old.
- Based on another recent DRI request, the Oak Bluffs Building Inspector would accept a MACRIS Designation as historically significant.
- Key issues include:
  - The building has been identified by the Oak Bluffs Historic Commission as historically significant and has been identified in two MHC Form B surveys as having historic significance.
  - What is the structural integrity of the building? Is it salvageable? If so, at what cost? The LUPC suggested that the MVC consider an independent structural analysis of the building.
  - Should the Commission require a plan for the property beyond demolition?
  - Are there solutions other than demolition that could preserve the building?
- The property has many (about 30) mature, large oak trees over 100 years old, many of which were cut down in the last few years.
- The property has not been maintained for decades though many mature trees once created a grove throughout the property. Several mature oaks still grace the highly visible street corner. Several mature oaks in varying states of health were removed on the eastern side of the property.
- Photos of the site were reviewed, showing that the house is half in the B-1 District and half in the Residential Zone.
- Prior applicant elevations were shown.
- Historic photos of the Oakwood Mission Hall were shown, the MV Museum exhibit of the property, and photos from the ground breaking with Governor Patrick when it was thought that the building was to be renovated.
- Correspondence was received in support of the demolition, as well as saving the building, and were included in the Staff Report.

## **2.2 Commissioners' Discussion**

**Katherine Newman** was confused with regards to the zoning piece that said after demolition, plans have to be submitted, but since it is not in either historic district that does not apply. **Paul Foley** said that is a Town Bylaw. Once designated by a Historic District, then the Town Bylaw applies. The Bradley Square DRI expired. The property is now here as a demolition.

**Gail Barmakian** asked for clarification if the religious services were stopped at the property in 1920. **Paul Foley** said the services were moved to Circuit Avenue at the Noepe Hall, which no longer exists.

There was a discussion about the historic significance.

- **Richard Toole** asked for the definition of historic significance.
- **Paul Foley** said it is more than the age of the building. The Oak Bluffs Historic Commission has some criteria which include what state the structure is in, and if someone important to the community was there. For this location, it was Rev. Bradley and Rev. Denniston for over 40 years.
- **Richard Toole** asked if the designation refers more to the use of the building than the building itself.
- **Paul Foley** said it can be both, it is a subjective judgement. There were important individuals from the Town that did business at this location, and it has been an iconic building in the town.

- **Gail Barmakian** said the building is not listed on the National Historic Register or the State Historic Register.
- **Paul Foley** said the survey said it was eligible, but the property owner would have to go forward with that process.
- **Linda Sibley** noted that the property was identified as historic by the Town.
- **Fred Hancock** said the house is locally recognized as a historic place in the MACRIS file.

### 2.3 Applicants' Presentation

**Matt Viaggio** said the description for the application was to demolish the building and to clear the site. There are no plans at this time to develop the property. The residential lot at the upper end of the parcel is 11,000 sf, and the septic design was planned by the previous owners. The front section is in the B-1 district, and he was only trying to clear the residential lot. The B-1 portion is 80 or 100 feet, depending on where the boundary is on Dukes County Avenue. It was contiguous ownership of the two lots.

**Adam Turner** asked if the boundary line goes through the house. **Matt Viaggio** said it does.

There was a discussion about the lot lines.

- **Fred Hancock** asked if there were still three or four parcels, or now two.
- **Matt Viaggio** said the Registry of Deeds shows approximately six lots.
- **Paul Foley** clarified and showed the plot plan. The original plan of the Town was for small houses on small lots.
- **Linda Sibley** said the Assessor's Map differs from what is registered at the Registry of Deeds.
- **Matt Viaggio** said the Registry of Deeds still shows the property as individual lots.
- **Linda Sibley** asked if the building were to be demolished, can he build commercially to as far back as the dark line on the plot plan that is shown.
- **Paul Foley** said the applicant can apply to the Board for an extension.
- **Linda Sibley** asked if any part of the property is only allowed to be residential.
- **Matt Viaggio** said mostly lot 195.
- **James Joyce** noted that this has nothing to do with the demolition of the building.

### 2.3 Testimony from Public Officials

**Pam Melrose**, Chairman of the Oak Bluffs Historic Commission (OBHC), stated that the property has been before the OBHC twice. It was decided that the building is significant, and the public hearing had a large representation from the community. It was decided to preferably preserve the property. The demolition delay was not instituted, since the proposal was referred to the MVC. The Historic Commission is an advisory board that tries to foster communication between property owners and the Commission as to what is best for the Town. Because of the historic link to the Portuguese and the African American communities, the property is a part of Oak Bluffs history whether good, bad, or indifferent. The qualities that make the community as diverse as it is needs to be preserved. The house is on the African American Trail. The building is in keeping with the other farm houses in the area. The OBHC felt strongly to preserve. The first step is that the application goes to the building official, and if the structure is 100 years old, the application comes to the Historical Commission. The plan use or reuse needs to be on the application. OBHC criteria includes if the property is eligible for the National Register. This structure has association with important individuals. The Historic Commission would like to see the whole property preserved in some way, and if not, want it designated in some way so people will know about it.

- **Joan Malkin** asked if the MVC allowed demolition, would the six month demolition delay still be instituted.



- **Pam Melrose** said according to the Oak Bluffs building official, the six month delay could still be put into effect, but didn't know if it would happen. It would be a judgement call.

## **2.4 Public Testimony**

**Pat Tankard** lives on Dukes County Avenue. She has heard of numerous uses of the building. As an African American, we do not worship in one church or under one denomination. She read that the minister came from the West Indies. She does not understand the historic value that this was a place that was set up to worship. She is a retired State Administrator and in her position it took three years to estimate, assess and modify a project. It feels as if this is a smoke screen, and it is not about the property. What is really happening here? She had not heard about the Portuguese significance until recently. She has been here since 1961 and the property has not been publically known to be historically significant. If all of this was going to happen, this should have been stipulated before it went up for auction. This is a long time ongoing for this project.

- **Joan Malkin** clarified that the stipulations were noted.

**Ewell Hopkins** spoke as the former Director of the Island Affordable Housing Fund. IAHF owned this property and worked diligently with the Town of Oak Bluffs to find interest when the funds for this project were no longer available. He applied for a demolition permit and went through the six month delay. The IATF worked diligently to narrow the affordability gap and find an interested party to develop the project. We worked for three years to find the local and international historic significance on the property. We were told the Town would not consider conceptual concepts. The Town would not consider without an application, so they submitted an application for demolition and went through the six month delay. The property went to auction, and we asked the Town to bid but they did not. There were two bids, and Matt Viaggio successfully bid at \$500,000. Mr. Hopkins has worked with Matt Viaggio to develop the property. Over six to seven years, the Town did not express interest in the property.

**David Diriwachter** said he was a General Contractor involved in architectural restoration and is still interested in architecture, restoration and preservation. He can see this property from his house and has been inside the structure. He believes strongly it is time to let it go. It is not worth saving, and it would be unreasonable to ask anyone to do so. No one has stepped up in 10 years. As Ewell Hopkins said, no one wanted to take the project on. It is unfortunate, but it is time to let it go.

**Pam Melrose** said that part of the Historic Commission's mission is to not just preserve the house, but also the space. The OBHC was interested in some way to recognize it, especially for the African American significance.

**Thad Harshbarger** lives at 93 Dukes County Avenue. When he went back to where he grew up, the house was gone and the school was a tennis court. Things change. He was in favor of demolishing the structure. The spot has real potential. Apparently it has been sitting empty for 75 years. Matt Viaggio has done a good job of cleaning up the property. He was in favor of the demolition, as it would be good to put the property to a good use in an in-town, central location.

**Renee Balter** said if you ask the people in the room to raise their hands so see if they are concerned about the demolition or what will be built in its place there would be a prime concern. This neighborhood is zoned B-1 along Dukes County Avenue and that is a key issue. There are people in the room tonight that have established businesses in the neighborhood, and they would like to know if the area will be enhanced. There are almost 10,000 people that come to those businesses. Affordable housing is badly needed in town, so maybe this would be an ideal site for mixed use. Matt Viaggio has expressed that that is what he aims for. She would like to know that there would be public input of what would go there; and if the MVC approved the demolition, would they also approve the plans for the development. She was in favor of the demolition.



- **Linda Sibley** said development approval would depend on the plans. There are criteria for large developments that would require the applicant to come to the MVC and the town boards. The MVC will determine if the demolition should be allowed due to any historical significance. It is a multistep process.

**Brian Packish** is the property owner of 111 and 113 Dukes County Avenue. He and his family have a long history and roots in this neighborhood. They have had businesses in the neighborhood. When he originally saw the project with the Island Affordable Housing Fund, he was pretty upset with the size and scale, and he was part of the committee to review the project. It was pretty clear at the time that the building could not be moved. He has saved two other buildings in the neighborhood at 111 and 113 Dukes County Avenue, and is currently renovating another building across from Tony's Market. His history is deep in that neighborhood. He used his own money to try to see about preserving this building, and it is not possible. He has come to the conclusion that it is time to let it go and let the neighborhood grow. He is a member of the Oak Bluffs Planning Board and the relevance of that board is if the project is too small to trigger the MVC Checklist, anything greater than 500 sf in the B-1 District would be subject to review by the Planning Board. He was more interested in a message of healing and moving forward, but respect needs to be paid to the use of the building and its part in the Heritage Trail.

**Pat Tankard** said she wanted to clarify that the statement she made did not have to do with racial issues. This has been going on so long, it is time to move forward.

## **2.5 Commissioners' Questions**

**Fred Hancock** asked if the applicant was aware of the history of the property when he bought it. **Matt Viaggio** said he was, but there were 3 bidders in the auction: the bank, someone else and himself. We bid together and he was going to take the residential lot. His financiers backed out and he did not expect to end up with the whole property.

There was a discussion about a memorial to designate the historic significance.

- **Ernie Thomas** said it seems what happened at the building is more significant than the building itself. He asked if there was a commitment from the applicant to put up a monument to designate that.
- **Matt Viaggio** said he was surprised that Paul Foley did not mention that he has worked with the NAACP and agreed there would be a plaque (it is in their minutes) on the property to recognize Rev. Denniston and Susan Bradley.
- **Linda Sibley** asked if the applicant agreed to that as an offer.
- **Matt Viaggio** said yes it has been agreed to.

**Trip Barnes** said he was the last person to move Rev. Denniston out of that house, and he suggested at the time that the house be demolished and turned into a warehouse. It is time to tear the building down.

**Linda Sibley** said testimony about people is not pertinent. This is a public hearing, not a deliberation. Trip will have time to express his opinions later.

**Trip Barnes** apologized if he spoke out of turn.

**Doug Sederholm** noted that the offer to create some type of memorial to recognize the use of the building if it is demolished was included in the application.

**Amy Billings** said the historical part of the property has been preserved. It is listed at the MV Museum, written about in books, and is also part of the Heritage Trail. The history will not be lost.

**Doug Sederholm** said that Christina Brown reminded him and it should be added that the applicant will work with the NAACP and the Oak Bluffs Historical Commission to determine what the memorial will be.

**Linda Sibley**, Public Hearing Officer, closed the Public Hearing with a Post Public Hearing LUPC meeting on January 23, 2017.

**James Vercruysse**, Chairman recessed the meeting at 8:10 p.m. and reconvened at 8:15 p.m.

### **3. ISLAND ROAD DCPC-CONSIDERATION OF NOMINATION OF MANTER'S PATH AS A SPECIAL WAY IN WEST TISBURY**

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*Commissioners Present: T. Barnes, G. Barmakian, C. Brown, R. Doyle, F. Hancock, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.*

#### **3.1 Staff Report**

**Jo-Ann Taylor** presented the following:

- Tonight is not a public hearing, but a vote to consider the nomination.
- A nomination is a geographical area.
- The nomination was received from the West Tisbury Planning Board on December 13, 2016.
- The area proposed to be considered for designation is within 20 feet of either side of the centerline of Manter's Path, as shown on Assessors' Map 31: from the juncture of lots 6 and 69 at a point approximately 200 feet from the centerline of Tiahs Cove Road; across Tiahs Cove Road to the juncture of lots 102.21 and 111.3; in a generally northeasterly direction along the property boundaries; across Blackthorn Road; approximately 200 feet along the boundary of lots 106.4 and 116 to meet Special Way known as Scrubby Neck Road and Watcha Path.
- The locations and boundaries were shown, and it was noted that the link is public so the information accessible to everyone.
- Bits and pieces of the special ways have been gobbled up by subdivisions.
- The MVC has been asked by the West Tisbury Planning Board to accept the nomination for consideration. Should the MVC vote to accept the nomination for consideration, the MVC would then schedule a Public Hearing and subsequently vote to make or not make the designation. The vote to accept the nomination for consideration commits the MVC to a public hearing, a decision on the designation, and institutes a development moratorium.
- A Public Hearing could be held as soon as the February 2, 2017 meeting and no later than February 27, 2017. It is the intention of the Planning Board to present an article to vote at the April 11, 2017 Annual Town Meeting.
- In making the determination on the designation, the MVC is guided by the Critical Planning District Qualifications. The Special Ways Zone of the Island Road District falls into the category of Cultural or Historic Resource District.
- The nomination notes that Manter's Path remains as a reminder of the agricultural roots of West Tisbury and the rural traditions of the Vineyard that are closely linked with the cultural identity that is need of protection from suburbanization.
- The reasons for designation are best given by the town.

**Ben Robinson** asked if the way is traversable the whole length. **Jo-Ann Taylor** said it is and she has walked it. There is a path at the south end.

#### **3.2 Applicants' Presentation**

**Leah Smith** is a member of the West Tisbury Planning Board and lives near the path. It is part of the rural farm heritage of West Tisbury. It was a major path. Currently, parts are a clearly used path. The designation would restrict what can be done with it, and it connects to other trails. A well-attended



public hearing was held, and most neighbors support the designation. It is part of a trail network and Sheriff's Meadow owns a field next to it.

- **Trip Barnes** asked if the path goes through private useable property.

**Leah Smith** said it is more of a road at Tiahs Cove and then becomes a trail that people tend to walk along the edge of the field. The field is called Jericho and used to belong to the Vincent family, and is now owned by Sheriff Meadow, and they are considering possibly haying the field.

- **Trip Barnes** asked if there will be letters from the public and the neighbors not wanting this designation, and possibly interfering with access to their property.

**Leah Smith** said the designation will not deny access to any property.

**Harriet Bernstein** is the Chairman of the West Tisbury Byways Committee. She stated that the designation is a way to preserve the area.

**Fred Hancock moved and it was duly seconded to accept the nomination for designation, as the path is a cultural and historic resource for the Island and has agricultural significance for West Tisbury.**

- **Doug Sederholm** noted that the only issue would be if the moratorium would cause any impact to any property owner, but it appears it would not.
- **Jo-Ann Taylor** noted that the moratorium is up to one year or at Town Meeting vote.

**Roll call vote. In favor: G. Barmakian, C. Brown, R. Doyle, F. Hancock, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse. Opposed: none. Abstentions: T. Barnes. The motion passed.**

#### **4. SYDNEY HOTEL EXPANSION-EDGARTOWN DRI 669 WRITTEN DECISION**

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*Gail Barmakian excused herself from the discussion.*

Commissioners Present: T. Barnes, C. Brown, R. Doyle, F. Hancock, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

There was a discussion about line 149.

- **Ben Robinson** said there was not a condition noted that the access would be in perpetuity.
- **Paul Foley** said it was included as part of the applicant's plan.
- **Doug Sederholm** said the applicant was not granting an easement. If they decided to change it, they would be in violation of their proposal to the MVC. They are highly motivated to keep it.
- **Ben Robinson** said there are gates that could be locked with a code.
- **Doug Sederholm** said in doing that, they would then be in violation of their proposal.
- **Fred Hancock** said it was part of their plan, but could be re-phrased to say as a condition offered by the applicant.
- **Doug Sederholm** asked what the offers were.
- **James Joyce** said the gates were not likely to happen, but it is private property. There are a lot of what-ifs.
- **Joan Malkin** said isn't the MVC protected because the applicant's plans call for public access.
- **Paul Foley** said the applicant presented it that way to the MVC.
- **Joan Malkin** said line 149 does say public access.
- **Ben Robinson** said that should be put in the description.

**Doug Sederholm** suggested revising the language on line 176 to "... the project is consistent with..."

**Doug Sederholm** noted the typo on line 177 "Applicant."

There was a discussion about line 273.



- **Linda Sibley** asked how the MVC checks on the energy compliance.
- **Fred Hancock** said he thought it had to meet Stretch Code. Does the MVC have a policy?
- **Paul Foley** said the MVC had an energy policy, but now applicants have to meet the Stretch Code.
- **Linda Sibley** said the applicant testified to it, and it was part of their offer.

***Linda Sibley moved and it was duly seconded to approve the Written Decision as corrected. Roll call vote. In favor: T. Barnes, F. Hancock, K. Newman, B. Robinson, D. Sederholm, E. Thomas, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.***

## **5. VINEYARD DECORATORS EXPANSION-EDGARTOWN DRI 369-M3 WRITTEN DECISION**

*Gail Barmakian excused herself from the meeting. Doug Sederholm recused himself as he has a potential conflict.*

Commissioners Present: T. Barnes, C. Brown, R. Doyle, F. Hancock, J. Joyce, J. Malkin, K. Newman, B. Robinson, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

There was a discussion about line 84.

- **Katherine Newman** questioned the language and asked if it was stated correctly.
- **Joan Malkin** felt it was stated oddly.
- **Ben Robinson** suggested reversing the sentence.
- **James Vercruysse** said that testimony was allowed, but was not given.
- **Linda Sibley** said it is fine as stated.

**Fred Hancock** said lines 172 and 173 should be deleted.

**Linda Sibley** said lines 185 to 188 should be part of A1 and added after line 136.

**Fred Hancock** said for 5. Conditions, the MVC should ask for it to be noted regarding the easement for access over the next property for the loading docks, and it should be presented to MVC staff before the Certificate of Occupancy is issued.

**Joan Malkin** noted the typo on line 277 "James."

***Ernie Thomas moved and it was duly seconded to approve the Written Decision as corrected. Roll call vote. In favor: T. Barnes, F. Hancock, K. Newman, B. Robinson, L. Sibley, E. Thomas, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.***

## **6. WAVELENGTHS MODIFICATIONS-EDGARTOWN DRI 623-M3 WRITTEN DECISION**

*Doug Sederholm recused himself as he has a conflict.*

Commissioners Present: T. Barnes, C. Brown, R. Doyle, F. Hancock, J. Joyce, J. Malkin, K. Newman, B. Robinson, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

There was a discussion about compliance.

- **Robert Doyle** asked how it could be made sure this gets done properly this time.
- **Paul Foley** said lines 359 and 362 state all the new conditions.
- **Fred Hancock** said he thought the Town would keep their eye on it this time.
- **Linda Sibley** asked if there was some way to flag this so that this decision supersedes previous decisions.
- **Fred Hancock** and **Adam Turner** agreed that it should be added that this decision supersedes all other DRI 623 previous decisions.

- Joan Malkin suggested putting that on page 1 under Decision at the end of line 34.

***Fred Hancock moved and it was duly seconded to approve the Written Decision as corrected. Roll call vote. In favor: T. Barnes, C. Brown, R. Doyle, F. Hancock, J. Joyce, K. Newman, B. Robinson, L. Sibley, E. Thomas, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.***

## 7. MINUTES

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*Doug Sederholm rejoined the meeting.*

Commissioners Present: T. Barnes, C. Brown, R. Doyle, F. Hancock, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

***Fred Hancock moved and it was duly seconded to approve the minutes of November 17, 2016 with a correction on line 271 of the spelling for Luanne Johnson. Voice vote. In favor: 12. Opposed: 0. Abstentions: 1. The motion passed.***

***Fred Hancock moved and it was duly seconded to approve the minutes of December 1, 2016 as corrected.***

- Doug Sederholm noted the typo on line 348 should be Whitney.
- Fred Hancock noted line 348 should state the trucks on the loading dock side appear to extend over the property line.
- Doug Sederholm said line 554 and 555 revise the language to "the applicant should describe in writing what he proposes to do..."
- Fred Hancock noted the word "cottages" should be at the end of line 487.

***Voice vote. In favor: 10. Opposed: 0. Abstentions: 3. The motion passed.***

## 8. NEW BUSINESS

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Commissioners Present: T. Barnes, C. Brown, R. Doyle, F. Hancock, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

### 8.1 Executive Directors Report

Adam Turner presented the following:

- He recognized the staff and Paul Foley for their hard work doing the Witten Decisions over the holiday period.
- He also noted that Christine Flynn has been working hard on the Arts Cultural programs and projects.
- The MVC has been asked by Featherstone to support the funding of their grant and to approve their application with a letter from the MVC.

***Linda Sibley moved and it was duly seconded to approve the application for the grant for Featherstone Center for the Arts. Voice vote. In favor: 13. Opposed: 0. Abstentions: 0. The motion passed.***

- There will be a third meeting on January 26, 2017 to discuss planning issues. One of the first topics is nitrogen.
  - James Vercruysse said that it may seem that the last thing we need is another meeting, but if we buy into better planning it will allow us to make better decisions. It will get us to talk interactively, not while under pressure to take testimony, or while having a public hearing on the agenda.
  - Katherine Newman thought it was a great idea. The public perception is the MVC doesn't plan, they only do DRIs so this is a good idea. She noted that in the past, there



- was not a meeting on the last Thursday of the month, to make time for a planning meeting.
- **Adam Turner** said he could try to set up a schedule like that, and we can talk at the meeting on how it should work and the function. He needs direction from the Commissioners.
  - **Linda Sibley** said if we look at the calendar over the last years we did not have a meeting on the last Thursday of the month. It became a custom but she is open to it.
  - **Fred Hancock** noted the only other option would be the second Thursday, but it is good to have a plan.
  - **Adam Turner** said the planning meetings can start on January 26, 2017, and then can be changed as needed.
- JTC money for the roads is from the Federal government, but the roads need to be planned and designed, and there are not enough funds for that. We are working with all of the towns to get a grant through Community Compact to have an engineer do this as a pilot program.
    - **Doug Sederholm** asked if that person would be part of the MVC staff.
    - **Adam Turner** said that has not been decided yet. The person may be at the MVC a couple of days a week, and also working for their other firm.
    - **Fred Hancock** said the TIP money cannot be used for the engineering. We have been lucky that the State has provided that for Lagoon Bridge and the Beach Road projects.
    - **Adam Turner** said the DOT has been strained over the past year and does not have the funding. The first year of the program will not cost the MVC anything, and if it works, we can move forward with town support.
    - **Katherine Newman** asked if this would enable us to use some of our own “style” of roads, as that was an issue.
    - **Adam Turner** said probably not. The roads would have to be built to DOT standards, but they appear to work with us, such as they did with the Lagoon Bridge.
    - **Fred Hancock** said if we propose something that is more Island-like they would probably work with us.
    - **Adam Turner** said when you hand in a 25 page drawing it takes 2-3 months for approval so if we have a person working with us it could be faster.
    - **Joan Malkin** asked what the time frame is.
    - **Adam Turner** said the application is due at the end of the month and we are looking to hire this fiscal year so we can prove how it works before it goes to Town Meeting next year.
  - The DRI Checklist was sent to the Department of Energy and Environment on August 18, 2016. They said they would get it done by December 1, 2016, and he will continue to check on it.
  - The Executive Committee meeting is at 6:00 p.m. on January 19, 2017.
  - A \$100,000 DLT grant has been received, and last year it was used for affordable housing and nitrogen testing.
  - The MVC has been working with Cuttyhunk on projects and provided internet access to work on their roads. We have developed a good relationship with them. They will be coming over in February. Christine Flynn and Chris Seidel have been working with them on projects.

## **8.2 Reports from Committees**

**Doug Sederholm** said the DRI Water Policy Committee will meet on January 11, 2017 at 8:00 a.m.

The meeting was adjourned at 9:30 p.m.

#### DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, Held on November 17, 2016
- Minutes of the Commission Meeting – Draft, Held on December 1, 2016
- Martha's Vineyard Commission DRI #651 Masonic Avenue Historic Demolition MVC Staff Report 2017-01-05
- Correspondence received by the MVC for the Masonic Avenue Historic Demolition from: Kent Healy, Alan Schweikert, Barbara Baskin, Leah Brown, Kelly Brilliant, Sandra Carney
- Letter to the Editor from Elaine Weintraub, Dated February 25, 2015; Please to Preserve Denniston House
- Massachusetts Cultural Resource Information System, Scanned record , Inventory No: OAK.751, Bradley Memorial Church
- DCPC Nomination for Manter's Path In the Town of West Tisbury Island Road District Special Ways Zone, Dated January 5, 2017, Staff Notes by Jo-Ann Taylor DCPC Coordinator
- Draft Decision of the Martha's Vineyard Commission DRI 669 – Sydney Hotel Expansion
- Draft Decision of the Martha's Vineyard Commission DRI 369-M3 – Vineyard Decorators Expansion
- Draft Decision of the Martha's Vineyard Commission DRI 623-M3 – Wavelengths Modifications



Chairman

3.15.18

Date



Clerk-Treasurer

15 MAR 2018

Date