Minutes of the Commission Meeting
Held on April 6, 2017
In the Stone Building
33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

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

P Gail Barmakian (A-Oak Bluffs)
P Tripp Barnes (E-Tisbury)
P Christina Brown (E-Edgartown)
- Peter Connell (A-Governor; non-voting)
P Robert Doyle (E-Chilmark)
P Josh Goldstein (E-Tisbury)
P Fred Hancock (E-Oak Bluffs)
P Leonard Jason (A-County)
P James Joyce (A-Edgartown)

- Michael Kim (A-Governor)
P Joan Malkin (A-Chilmark)
P Katherine Newman (A-Aquinnah)
P Ben Robinson (A-Tisbury)
P Doug Sederholm (E-West Tisbury)
P Linda Sibley (E-West Tisbury)
P Ernie Thomas (A-West Tisbury)
P Richard Toole (E-Oak Bluffs)
- James Vercriusse (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).

Acting Chairman Robert Doyle called the meeting to order at 7:00 p.m.

1. M.V. MUSEUM AT MARINE HOSPITAL—Tisbury DRI 665 CONTINUED PUBLIC HEARING


For the Applicant: Phil Wallis, Conrad Elle, Bill Scully, Joe Wahler, George Sourati.

Linda Sibley, Public Hearing Officer opened the continued public hearing.

1.1 Staff Report

Paul Foley presented the following.

- Key Issues include.
  - Nitrogen: If the project is unable to be connected to the sewer the project would likely have an impact on Lagoon Pond and an alternative plan would need to be submitted.
  - Traffic: A special LUPC on the Traffic study was held on Monday (April 3, 2017) for review and clarification. Corrections and clarification were submitted today (April 6, 2017) and staff received the revised Traffic Study at 4:56 p.m. April 6, 2017.
  - Impact on Abutters: Landscape buffering plans have been submitted. Are the proposed buffering plans sufficient? The neighbors had a concern regarding the buffering.
  - Noise: How would the Museum minimize noise impacts on residential abutters, especially during special events and outside functions? The emergency generators and condensing units are located near the north property boundary next to residential abutters.
Archaeology: PAL has been performing extensive features which necessitate review by the Massachussetts Commission on Indian Affairs.

- A historical photo was reviewed of the building from 1895.
- The following were reviewed: Phase 2 Plan, new site plan, location of the condenser units, location of the catering tent and the overflow parking area.
- An eight foot fence would be in place to seclude the condenser units.
- The view from the neighbors with the landscape buffer was reviewed as well as the buffers from the north and west. The detailed buffering plan was shown and the south side grade change.
- The drainage plan includes French drains and cisterns.
- There is a concern on how to connect the sidewalk at the bridge on Lagoon Pond Road.

**Katherine Newman** asked what the square footage is of the building that will be taken down. **Phil Wal** is said it is 3,400 sf.

### 1.2 Transportation Report

**Priscilla Leclerc** presented the following.

- There is a new report and fact sheet from what was reviewed at LUPC.
- The trip generation was looked at from the traffic study and the estimates are reasonable.
- There are 51 parking spaces and other museums that are similar range from 21 to 63.
- She feels that it is already very congested at Five Corners and that differs from the consultant’s report.
- They have talked with the District Five Small Bridge Program and there is an inspection plan for Seaview Avenue and they will try to also look at Lagoon Pond Road.

**Linda Sibley** reiterated that Priscilla Leclerc did say that while she agreed with the traffic study, she thought there might be some noticeable increase with the delay at Five Corners. **Priscilla Leclerc** said it is already delayed so she feels the museum traffic would be adding to that with approximately an increase of 43 cars.

**Gail Barmakian** asked when the parking analysis was done were the events considered as it may include a few hundred at one time. **Priscilla Leclerc** said over 150 people would use a remote parking lot such as the High School and people would be shuttled to the site.

### 1.3 Applicants’ Presentation

**Transportation Report**

**Bill Scully** presented the following.

- Since the last public hearing he has met with LUPC and has reviewed the staff report which included questions and comments.
- He has compiled a fact sheet.
- The Museum will have a relatively small impact on the roadway system.
- The analysis is based on the summer time and full build out. With that peak hour in peak season the traffic would increase by 2.5%. The island growth rate is 2%.
- They are projecting that in peak season Five Corners will increase by 1%.
- They did not assume bike trips, pedestrian and transit access so any of those users will decrease the projected usage.
- Lagoon Pond Road is the Museum’s front door and is the most impacted roadway. Two thirds of the traffic will be from Lagoon Pond Road and one third from Skiff Avenue.
- Traffic mitigation plan; they will encourage bike use and will be providing bike racks and they are working with the Town on Lagoon Pond Road and potentially to fill in the 80 foot gap of missing sidewalk. In the long range the Town wants to do a major upgrade of that road and sidewalk. On
the website they will provide information on how to come to the museum by bike, pedestrian use, vehicle access and VTA routes. They will encourage other modes of travel and guide vehicle traffic. The Museum will continue to work and manage the schedule of activities to help prevent an overlap. We have talked with the VTA as they currently don't drive by the site and if the demand exists they are open to creating a route.

Phil Wallis said he has talked with Priscilla Leclerc and LUPC regarding pedestrian access down Lagoon Pond Road and up to the buildings. There are cost implications involved. Currently you would be able to go up the stairs or the driveway but they are looking at how to address the steep stairs and they have not settled on a resolve yet but they will be doing so. They are working with the Town to figure out the Lagoon Pond Road issues and they are committed to addressing that.

There was discussion about traffic and visitor growth.

- Fred Hancock asked if it was fair to say these are offers or are they the consultant’s recommendations on the traffic analysis.
- Bill Scully said they are currently recommendations with the Museum.
- Fred Hancock said the MVC would like a list of offers before the close of the public hearing.
- Linda Sibley said that after LUPC we learned a lot but it has occurred to her that there would be pedestrian and bike traffic from the ferry. Have you analyzed the effect of that on Five Corners? Pedestrians have the right of way at a crosswalk. The number of pedestrians and cyclists could affect the function of Five Corners.
- Bill Scully said there are a lot now that go through there and they will take precedent. Even if we encourage it we won't end up having 50% of the people from the ferry coming to the museum. It will have some impact. It will be important to guide the pedestrians and cyclists through the intersection. The volume that we have seen is 1,500 vehicles thru the intersection in peak time in summer.
- Linda Sibley noted that there are already pedestrians and bikes coming off State Road from the ferry so are you suggesting the additional for the museum will not have a noticeable impact on the intersection.
- Bill Scully said it should reduce the number of vehicles coming and going to the museum and our analysis already takes that into account.
- Joan Malkin said that during LUPC Priscilla Leclerc put up potential pedestrian and cyclist pathways. That is not in your recommendations. It might take some pedestrian and bike traffic in general away from the intersection. Was it considered or rejected?
- Bill Scully said they remembered it and it was noted. There have been some plans talked about in town.
- Phil Wallis added that they think it is a great idea and they are working with the Town to see if it is possible.
- Ernie Thomas asked if their numbers for the amount of people the museum expects will visit is reality.
- Bill Scully said they are based on the high growth numbers, five years down the road based on the museum’s projections.
- Phil Wallis said they based it on other museums growth that is similar in size. We are restricted in Edgartown especially with the parking situation.
- Linda Sibley said these projections on visitors and traffic were based on best case scenario for the growth in the number of visitors. In terms of projecting traffic this was the maximum number.
- Bill Scully said the current numbers includes the Edgartown staffing and use which also helped to be the basis for the forecasting.
Wastewater Report
Phil Wallis said the Museum is hopeful that on April 25, 2017 that the sewer will be approved as a warrant. We have approval from the Sewer Board and unanimously from the Board of Selectmen.

There was a discussion about alternatives.
- Linda Sibley asked if the Museum would be limited if not approved.
- Phil Wallis said we could do an enhanced system but the preferred choice is the sewer.
- Gail Barmakian asked if they have room for an enhanced system.
- Phil Wallis said they did.
- Bill Veno noted that on site disposal has not been looked at by the MVC staff.
- Linda Sibley said it has not been looked at but at least they have the space.

Archaeological Assessment Report
Phil Wallis said the assessment is not complete. We are getting an additional permit to look at other parts of the property. We are working closely with Mass Historical and the tribe.

James Joyce asked if anything had been found yet. Phil Wallis said yes and they are deciding how to deal with it.

Fred Hancock said that should also be included in their offers. The Museum does not have to follow the Mass Historic recommendations but the MVC would be interested if the applicant did follow them.

Phil Wallis said they have also put in a lot of time considering the neighbors and the borders.

Landscape Report
Joe Wahler presented the following.
- They have elaborated the drawings from the last public hearing.
- The north and west sides have a proposed fence and increased buffers between the catering and the equipment.
- There will be a double layer solid fence around the generators with insulating factors to minimize and buffer the noise. The generators cycle on for 30 minutes every two weeks.
- There is oak and pitch pine in the area and they want to restore the understory with native plants.
- The renderings are a five to ten year realization of growth size.
- The west side has the overflow parking and will be landscaped to provide a buffer to the abutters.
- On the south side there are two parking levels which navigate a significant grade change. We are terracing the two parking lots with a generous landscape buffer which will breakdown the scale of the two parking lots.
- There will be a mix of deciduous and evergreen plantings. Native plantings will be used. We will be adding in Holly, Arborvitae and evergreens to provide buffers.

There was discussion about the plantings, buffers and the landscape plan.
- Linda Sibley asked how many of the plantings are deciduous.
- Joe Wahler said there will be a mix of evergreens and deciduous including Holly, Arborvitae and bayberry.
- Phil Wallis said they have worked with Frank Daly and he appreciated us working with him. He prefers having no fence and few trees because he now has a water view and prefers that.
- Conrad Ello said Mr. Daly felt closed in with the fence and larger trees blocked the view. We will do an updated view of that location for the record.
- Phil Wallis said it is okay to reach out to him regarding this issue as he could not be at tonight’s meeting.
• Linda Sibley said Mr. Daly would have to give the MVC written testimony that he is okay with the new plan.
• Linda Sibley asked if the applicant considers this a final landscape plan.
• Joe Wahler and Conrad Ello said they have the construction drawings that the plan was based on.
• Adam Turner noted that there are final landscape plans on the record.
• Linda Sibley thought Arborvitae were not native.
• Joe Wahler said they are native to New England but not the Island.
• Linda Sibley said plants that were native to the Island would be better.
• Fred Hancock suggested that the applicant might want to state that the plants are illustrative of the landscape plan.
• Paul Foley noted that there is a native Vineyard appropriate list of plants that was done with the Polly Hill Arboretum.
• Joe Wahler noted that arborvitae is Vineyard appropriate with that list.
• James Joyce asked what the materials are for the parking areas.
• Joe Wahler said the drive lanes are asphalt and the parking stalls are porous grave material.
• Trip Barnes was concerned about the loss of land on the drive and perhaps the runoff to the neighbors.

Drainage Plan
George Sourati said 80% of the roof run off will go into two cisterns and will help to irrigate the lawns in the summer. When the cisterns are full there is a swale drainage pit. There are leaching catch basins for the parking area and some of the lawns. There is a series of different types of systems.

Linda Sibley asked what a trench drain is. Joe Wahler said it runs across the driveway.

Leonard Jason asked if the site has been cleared by PAL. George Sourati said PAL cleared a portion of the site but there is still a little more work to be done.

Bill Veno asked what the rain fall design is. George Sourati said it is 25 years.

1.3 Commissioner’s Discussion

There was a discussion about the lighting plan.
• Gail Barmakian asked if a lighting plan had been submitted.
• Joe Wahler said they are meeting the minimum egress building code requirements. All lighting will be low level, dark sky compliant.
• Gail Barmakian asked if there was a way the MVC could see the lighting.
• Conrad Ello said the lights were shown previously on a site plan. The specs have been submitted.
• Doug Sederholm said what about lights from the building at night especially for a night time affair. What is the light pollution for a night event.
• Phil Wallis said when the museum is closed the lights are off.
• Conrad Ello said the historic Marine Hospital building is a bigger scale building than a house but it is has double hung windows which makes it similar to a house and with that there will be no spill light.
• Phil Wallis said for the night events there will be lighting in the tents but not outside. Out to the pathway is done with rope lighting.
• Josh Goldstein asked when the night events end.
• Katy Fuller said at 10:00 p.m.
• Katherine Newman asked about light from the Fresnel lens room/building.
• **Conrad Ello** said the building is a big glass exposure that is facing northeast to Lagoon Pond away from immediate abutters. All lighting is on dimmers and we have talked about control of that. The light level is controllable.

• **Katherine Newman** asked if there is a way to have a non-intrusive way at night to control the light.

• **Chris Genter** said there are shades in all the windows facing Lagoon Pond.

There was discussion about events.

• **Linda Sibley** asked what the limits are for events.

• **Leonard Jason** asked if the Museum has a Special Permit for these events.

• **Phil Wallis** said they can have twelve private events per year with the Town.

• **Linda Sibley** asked the applicant to provide clarification on how and when the lights would be dimmed and how the lighting is controlled for events in the summer and winter.

There was a discussion about housing.

• **Josh Goldstein** asked how many staff members the Museum brings in for the summer.

• **Katy Fuller** said with the interns there are six.

• **Josh Goldstein** asked where the Museum intends to house them.

• **Phil Wallis** said we work with them to help them find housing and we make sure they have housing if they don’t have their own.

• **Josh Goldstein** asked if there would be any means to house them on site.

• **Phil Wallis** said there is not.

• **Linda Sibley** noted the applicant has not yet made their offer on affordable housing.

• **Christine Flynn** said she has spoken with the applicant and they will be making an offer.

There was a discussion about noise mitigation.

• **Richard Toole** said he understands why the generators and the condensers were put where they are but is there no way to silence them. The noise is a concern of his. Is there any way to relocate them so they would really avoid an impact on the neighbors?

• **Fred Hancock** said there are details in the drawing that was submitted about the fence. His question is the noise reduction capabilities. What is important to the MVC is the final level above ambient noise.

• **Linda Sibley** said the offers should be stating that the applicant is committing to a certain level of noise reduction.

• **Gail Barmakian** asked if that applies to events with entertainment.

• **Katy Fuller** said under the current Memorandum of Understanding with the Town they cannot have amplified music for private events but they are allowed to have microphones. The Museum is not covered in that agreement, it is just for private events.

• **Linda Sibley** noted that the memorandum doesn’t say anything about the museum events.

• **Doug Sederholm** asked if the applicant can provide measurements of what increase of noise will be over ambient to the closest residence and at the residence.

• **Conrad Ello** said they have an acoustic engineer on board and the Tisbury by-law has no ordinance. The State is 10 decibels over ambient at the property line so we would try to meet that. The standard is 40 decibels during the day so you want to be at 50 decibels. The units run at 57 and are high efficiency.

• **Fred Hancock** asked if he was talking about both the generators and the condensers.

• **Conrad Ello** said the generators are different because they run infrequently and that will be done when it is okay with the neighbors.
- Doug Sederholm noted that the MVC is not required to decide by the State regulations for noise. The MVC looks at the benefits and detriments and how it would affect the neighbors.
- Conrad Ello said the applicant will address what is best for the neighbors.

Joan Malkin said for the underground system for irrigation (if plausible) the applicant may want to consider that further. This is a huge expensive project and if you are not able to get to the point of doing landscape mitigation because funds become limited you might want to consider some type of escrow for landscape.

1.4 Testimony from Public Officials

Dan Seidman, Chairman Tisbury Planning Board said the entire board is thrilled with the project and they hope it will keep people in Tisbury. He read a letter from the Tisbury Planning Board that states it fully supports the MV Museum Marine Hospital project and relocation to Tisbury, dated April 6, 2017 and it has been submitted for the record. Their concerns include:
- How the new campus will integrate into the neighborhood.
- The shuttle buses from the SSA/ferry to the museum and they request them to be electric and small in scale. Similar to what has been used overseas in tourist locations.
- Tour buses; the staging and parking at the base of Lagoon Road impacts the scenic walk and road.
- Would like the museum to acquire a second access for pedestrians and cyclists from the west and south and it would function as a secondary emergency access.
- There are deficiencies with Lagoon Pond Road and it will need to be upgraded with the sidewalks and bridge improvement. They are concerned with safe passage for pedestrians and cyclists. They ask the MVC to condition that the Museum and Town agree on funding for improvement of the roadway and bridge before issuing a Building Permit.

1.5 Public Testimony

Mark Clark is an abutter and fully supports the museum. He and his wife Nya have some concerns about the noise especially since they have children that are ten and thirteen years old. They would like to see a cedar fence. They live on 138 Causeway Road and would like all of the plantings put in before construction starts to buffer noise and enable the children to play in the yard with privacy and they would have protection from the construction. There is no reason mature plantings cannot be put in from the get go. They think it is a great use of the property but would like some privacy.

Hyung Suk Lee questioned the operational issues, traffic and how to access the location. Access is limited especially from Lagoon Pond Road. Tour buses with the capacity for fifty passengers will heavily over burden Five Corners and it would be difficult to use Skiff Road and turn into the museum driveway. Why do we need 80,000 people who are heavily dependent on vehicles for accessing the museum. The priority should be put on pedestrian access and bike paths away from Five Corners especially with the Beach Road project that is being done, yet this is not incorporated into that project. Coming from West Tisbury and State Road you cannot ride your bike onto Skiff Road safely. The museum will be like Water Street with one exit and entrance and the pedestrians and bikes need to be removed from vehicle traffic.
- Linda Sibley noted that most of what was mentioned is out of the Museum’s capacity but this is the second person to express concern to have a second entrance.
- Phil Wallis said the Museum does not have the access and would need to purchase property in order to do so.

Ken Barwick is speaking as a resident he lives at 141 Causeway Road. He questioned the second access. Older drawings with Dunham Road shows cutting across Skiff Avenue into the Marine Hospital and that
information is available at his office. He fully supports the Edgartown museum but does not support the museum on this location. He feels it overpowers this site especially with density. He has concerns that he brings to the attention of the MVC, if these folks fold financially what is the recourse for the Town to keep the property viable as a town use especially with a zoning change to accommodate that. It is a major concern of many of his neighbors. He has spoken to everyone on Causeway Road and half of them didn’t know the project was under way. So the museum may want to reach out to the neighborhood. He will submit a two and a half page written letter for the record.

Mark Clark said when Hyung Suk Less was talking about the bike accessibility he thinks he was referring to where the truck accident occurred. But you do have to have bike paths and crossways and agrees with having a second route of access.

Hyung Suk Lee questioned when you would get to enjoy the vista to Lagoon Pond with the design of the building.

Ken Barwick said the architects sent along renderings and landscape plans but he does not see any dimensions and numbers on them.

- Conrad Ello said the version that he saw was without the dimensions but the MVC now has the dimensions and he will send them to Ken Barwick with the planting plan.
- Phil Wallis clarified the communication with the neighbors. They did three communication efforts since 2012 and used the list from the MVC that includes 72 individuals that are adjacent to the property and they received a favorable response from them. They had four open houses and had 300 to 400 people each time. So it appears people knew this was happening.

Linda Sibley asked to have the offsite parking clarified. Phil Wallis said the Museum has an agreement with the Regional High School for offsite parking. Katy Fuller said the only other agreement that they are aware of that the Town has for High School parking is for the Tisbury Street Fair and the Museum has never been denied.

Ken Barwick requested the MVC to keep the public hearing open.

1.6 Applicants’ Closing Statement

Phil Wallis requests approval from the MVC of the entire Master Plan. They would like to start the Fresnel Lens and Vehicles and Vessels buildings this Spring (2017) to be open by June 2018. If they don’t start by June 2017 they won’t achieve their timetable and they want to ensure that nothing impedes getting it done. They understand that they need Town approval on April 25, 2017. He welcomes interaction with the Clark’s and the neighbors to customize trees, lighting and fencing. They want to be good neighbors. We understand this is a large financial venture for the Island.

1.7 Commissioners’ Discussion

There was a discussion about the sewer approval.

- Katherine Newman said since the sewer is such a big deal what happens if it is not approved.
- Josh Goldstein said if they do not get approval they come back to the MVC.
- Lind Sibley said the MVC decision is contingent on the sewer.
- Leonard Jason said if they don’t get that approval they come back to the MVC but what happens if PAL finds things. That could skew the landscape and septic plan. Perhaps it could be a Title V septic with the Board of Health approval and landscape approval with LUPC.
- Joan Mallin said the MVC is not going to deliberate before April 25, 2017.
- Dan Seidman said the Sewer Advisory Board would need a nitrogen reduction area if the project was not on the sewer to meet the Tisbury nitrogen level requirements.
- Trip Barnes asked how far the sewer line is from the museum.
• **George Sourat** said it is at Maciel Marine and the Museum has to pay for it.

There was a discussion about deliberation.

• **Phil Wallis** asked if the MVC would be able to deliberate on everything except the sewer.
• **Linda Sibley** said it doesn’t work that way. LUPC considers the offers and any other conditions it feels are necessary and recommends to approve or disapprove to the full Commission. She suggested to keep the public hearing open until May 4, 2017 with the expectation that on May 4, 2017 nothing will have blown up and the MVC can close the public hearing. The applicant would submit their final submissions during that time.
• **Joan Malkin** asked what is needed for keeping the written record open.
• **Linda Sibley** said the offers and the public has the right to respond. Staff also needs time to review so the written record could be kept open for two weeks. LUPC could review on April 24, 2017.

**Linda Sibley,** Public Hearing Officer closed the public hearing and kept the written record open for two weeks April 20, 2017 with LUPC meeting on April 24, 2017.

**Robert Doyle,** Acting Chairman recessed the meeting at 8:55 p.m. and reconvened at 9:00 p.m.

2. **MAYHEW SUBDIVISION-CHILMARK DRI 673 WRITTE DECISION**


**Leonard Jason** moved and it was duly seconded to approve the Written Decision with the correction noted by Ernie Thomas for the spelling of his name on line 202. Roll call vote. In favor: G. Barmakian, T. Barnes, C. Brown, R. Doyle, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, B. Robinson, L. Sibley, E. Thomas, R. Toole. Opposed: none. Abstentions: none. The motion passed.

3. **DAMROTH SUBDIVISION-CHILMARK DRI 672**


**Linda Sibley,** Public Hearing Officer opened the public hearing without taking testimony and continued it until April 13, 2017.

**Robert Doyle** said the postponement was at the request of the applicant.

**Bill Veno** said the applicant has some new information and NHESP has come out with new maps and Doug Hoehn is on top of that already.

**Gail Barmakian** asked if the new maps are more or less restrictive. **Bill Veno** said his understanding is that they are less restrictive for the Island.

4. **MINUTES**


**Fred Hancock** moved and it was duly seconded to approve the minutes of March 9, 2017 as written. Voice vote. In favor: 14. Opposed: 0. Abstentions: 1. The motion passed.
5. NEW BUSINESS


5.1 Executive Director Report

Adam Turner presented the following.
- The DRI Check list is in effect April 15, 2017.
- The High School Athletic Field public hearing is May 11, 2017 at the High School.
- The Stop & Shop review is continuing and should be done within the next month.

Linda Sibley asked if all the correspondence for the Athletic Field is on the MVC website and can the Commissioners get a second packet so we know which ones are new.

The meeting was adjourned at 9:050 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING
- Minutes of the Commission Meeting – Draft, Held on March 9, 2017
- Martha’s Vineyard Commission DRI #665 – M.V. Museum at the Marine Hospital MVC Staff Report – 2017-04-06
- Martha’s Vineyard Museum Phase 1 Plan, Dated 04-06-2017
- Martha’s Vineyard Museum DRI Traffic Study Fact Sheet, Green International Affiliates, Inc.
- Decision of the Martha’s Vineyard Commission DRI 673 – Mayhew Subdivision - Draft

Chairman

Date

Clerk-Treasurer

Date