Minutes of the Commission Meeting
Held on April 13, 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  Trip Barnes (E-Tisbury)
- Yvonne Boyle (A-Governor)
- 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)
P  Michael Kim (A-Governor)
- Joan Malkin (A-Chilmark)
- 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 Vercruysse (E-Aquinnah)

Staff: Adam Turner (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Planner), Sheri Caseau (Water Resources Planner), Christine Flynn (Economic Development and Affordable Housing Planner), Priscilla Leclerc (Senior Transportation Planner), Dan Doyle (Transportation Planner).

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

1. DAMROTH SUBDIVISION-CHILMARK DRI 672 CONTINUED PUBLIC HEARING

Doug Sederholm recused himself.


For the Applicant: Doug Hoehn, David Damroth

Linda Sibley, Public Hearing Officer, opened the Continued Public Hearing at 7:00 p.m.


1.1 Staff Report

Paul Foley presented the following:
- The applicant has submitted revised offers and site plan.
- There is a 100 foot buffer along Magee’s Path and Old Field’s Path.
- The Youth Lot has been designated.
- Per Sheri Caseau, the revised offer meets the MVC Water Quality Policy.
- The applicant is working with NHESP and now has the Building Envelopes and the no cut buffer zones.
Linda Sibley questioned the buffers. Paul Foley said the buffers are noted in the Chilmark Planning Board minutes of March 23, 1987 and read the section of the minutes “Public Hearing on Form C Application of Mary Jane and David Damroth... There will be 100 ft buffer zones around Lots 1 thru 4.”

1.2 Applicants’ Presentation

Doug Hoehn presented the following:
- He has reviewed the Planning Board Minutes, and clarified that the buffer zone does not go through Lot 4; it only goes through Lots 1 thru 3.
- He has submitted a combined plan to meet the NHESP requirements and the MVC’s desire for Building Envelopes.
- The plan shows a combination of buffer zones to satisfy the NHESP requirements and additional zones to satisfy the concerns of others.
- The revised Building Envelopes have green, no disturb buffer zones. The zones are in three quarters of Lot 4A and 4B.
- Some lots were left out of the no disturb zones, so the area could be used for gardens.
- NHESP said the zones would actually shrink and he read an email from NHESP that states they do not feel the plan will rise to the level of a “Take.” The email has been submitted to the MVC.
- There is an increased buffer zone along Magee’s’ Path.
- The buffer along the bottom of Lot 5A is 100 feet wide and is David Damroth’s offer, it is not a requirement.
- Along the top of Lot 5A and Lot 5B is another no disturb buffer zone. It is a no disturb buffer zone for Lot 5B, except that the driveway would need to be cut through it.
- The applicant worked with the MVC staff on the offers. There has been clarification on when the septic systems would need to be upgraded. Section 4 has been added regarding the Buffer Zones and the trail easement.

1.3 Commissioner’s Questions

Linda Sibley said that David Damroth owns part of Magee’s Path and Old Field’s Path and asked if he has the legal ability to grant access. David Damroth said he owns half of each.

Linda Sibley asked why Magee’s Path had such a large buffer and the Old Field’s Path buffer was smaller. David Damroth said it was to preserve the vista and view from his main house. It was also to be able to have a solar house on Lot 5B. He felt he had done a lot to preserve the land for himself and his neighbors. On the southern exposure, the buffer was done with the intention to preserve the view for his neighbors.

1.4 Testimony from Public Officials

Richard Osnoss, Chairman of the Chilmark Planning Board, stated that the Board was respectful of the 1987 plan, and supported the current plan, which has provided even more protection. The Youth Lot is valuable, and the Board appreciated Mr. Damroth’s willingness to support that initiative and noted that he would be covering the engineering fees, which was very generous of him.

1.5 Public Testimony

Candace Nichols, representing Julie Staples, said that their concerns have already been submitted to the MVC. The original 1987 Decision did require a Youth Lot, and they were glad that was moving forward.

Linda Sibley, Public Hearing Officer, closed the Public Hearing with Post Public Hearing LUPC on May 1, 2017 and Deliberation and Decision on May 4, 2017.
2. WESTMAN HISTORIC DEMOLITION-TISBURY DRI 675 PUBLIC HEARING

Doug Sederholm rejoined the meeting.


For the Applicant: William Westman, Cees Van Eijk

Linda Sibley, Public Hearing Officer, opened the Public Hearing at 7:20 p.m. and read the Public Hearing Notice. The applicants are William Westman and Cees Van Eijk. The location of the project is 29 Franklin Street, Vineyard Haven MA Map 7N lot 5. The proposal is to permit the demolition of a house in Tisbury built in at least 1850 and possibly earlier. The public hearing process was reviewed.

2.1 Staff Report

Paul Foley presented the following:

- The proposal is to demolish a house in Tisbury built in at least 1850 and possibly earlier. The applicant has plans to build a similar style house on the footprint with dormers and an addition.
- The applicant said that he and his partner originally intended to restore the house, but when they got inside and began removing plaster and paneling, they found the house to be too far gone. The interior has been gutted.
- The building is outside the William Street Historic District by two houses. The house is not listed on the Massachusetts Historic Commission MACRIS site.
- Permits required are a Demolition Permit, Building Permit, Board of Health, and Zoning Board of Appeals (for demolition, reconstruction and expansion of a pre-existing non-confirming structure).
- The house has been in the Look family for a long time and before that it was in the Luce family.
- The DRI trigger is 8.2ii, Demolition of a building over 100 years old; a Concurrence Review. A public hearing was determined to be necessary on March 16, 2017.
- Key issues include:
  - Is this house too historically significant and structurally sound enough to allow being demolished?
  - Is the proposed replacement in keeping in style and materials with the historic building?
- The site was reviewed.
- Current photos were reviewed of the exterior and the interior. The load bearing walls have been removed and the floor is sitting on the ground. It has a small Cape Cod style basement.
- The home needs new trim and shingles, and the addition came off but the applicant wants to replace it. There is a dug out basement approximately 4 ft x 6 ft and the rest is crawl space. The interior is down to the studs.
- It would cost more money to restore, and what does exist that is original would be covered up.
- New elevations were reviewed that included the addition.
- An historical overview was reviewed.
  - The William Street Historic District.
  - Town Plan of 1897 and 1810.
  - US Chart Map of 1848.
  - A Holmes Hole map from 1858 shows the house.
  - The house is on an 1890 map survey of the town.
2.2 Commissioners’ Questions

Leonard Jason said he was trying to understand the process; the applicant bought the house with the intention to remodel and gut the house, but now wants to demolish it. William Westman said originally, the existing house was going to be lifted, while a cellar was built underneath, but the applicants were told that it couldn’t be done, because the house was structurally unsound. Two thirds of the studs had been cut or expanded into windows and the carrying beams had been cut up. The engineer stated that a steel beam would have to be installed in order to lift the house. There was no way to predict this before the walls were removed. At a certain point, the decision to restore seems moot, because the interior, exterior, floors and dormers would all need to be replaced. The only salvageable piece might be the studs in the walls, but those would be covered up. He modeled the proposed plans off of the existing house. There is only a difference of one foot in height from the existing house to the proposal.

There was a discussion about the new plans.

- Linda Sibley asked for clarification that the applicant was proposing to build something similar to the current house.
- William Westman said yes, but with a little bit more trim as Cees wants to live there and has requested that.
- Cees Van Eijk said it would be on the same footprint.
- William Westman said it would be difficult to install heating systems in the existing structure, as there were too many obstacles in the way.
- Michael Kim asked if the applicant had the house measured and documented, and if there was any historical level documentation.
- Cees Van Eijk said the new house would be the same, but that the historical documentation has not been done.
- William Westman said the new house would have the same footprint.
- Michael Kim asked if there was a detailed level of the materials and drafting of the elevations.
- Cees Van Eijk said the placement of the house and the surveying was done by Doug Hoehn.
- Linda Sibley asked if those plans have been submitted.
- Michael Kim asked if the applicant would be willing to document the historic features of the house for the purpose of keeping a historic record in detail of what was there, perhaps using architectural interns.
- Cees Van Eijk said he would give the MVC, or another entity, the chance to record that information, but to hire someone to do that would be a stretch.
- Linda Sibley asked the applicant if they had found the house to be in sound condition; and if it were to be restored, would they have still planned the addition.
- William Westman said no, the house was not sound; and yes, the addition would have been included since it is the only thing that is conforming.
- Linda Sibley noted that the addition looked bigger than the house in the elevations.
- William Westman said the addition would be the same height as the house, but only 15 feet wide. The house is 21 ft x 40 ft.
- Leonard Jason asked about the current square footage, and what it would be with the new plan, including the addition.
- Cees Van Eijk said the current square footage is 1,600 sf, and the new plan with the addition is 1,900 sf.
- Doug Sederholm asked if the existing house was two stories.
- William Westman said there was a second floor with a dormer, and the new addition is a conforming expansion.
- Linda Sibley asked how the new plan compared to the other structures around it.
• Cees Van Eijk said it would be one of the smaller houses in the neighborhood.
• Michael Kim asked if the applicant had extensive experience with restoration, and would anything else be kept if the house were to be restored versus building new.
• William Westman said they are bringing back architectural salvage for the new house.
• Cees Van Eijk said it would not be a modern looking house.
• Michael Kim asked if the applicant was restoring the existing exterior, would they be using the same materials as they were for the new house.
• William Westman said typically the house is clapboard and the sides cedar shakes. We will bring back some of the exterior molding that are not there now but were prior and use new windows.
• Gail Barmakian asked if the applicant would be replicating what currently exists, plus the addition in the same style.
• William Westman and Cees Van Eijk confirmed that they were, and that it would be.
• Michael Kim asked how the existing structure could be replicated, if there's no documentation. William Westman said he has done many of these types of houses.
• Fred Hancock asked if the applicant was saying that the exact house would be going up with new construction.
• William Westman said yes, there is nothing there now but studs. We didn't know that the carrying beams, the floors and just about everything was bad.
• James Joyce noted that a lot of the Commissioners are concerned since there is no real control of what would be built because the house is not in a historic district.
• Fred Hancock said the MVC can say the applicant can demolish the house, if they plan to build as presented.
• Linda Sibley said that when it was decided to review this project through this process, a legal commitment was made.
• Ben Robinson asked if there is a mistake in the drawing, because the roof looks like it dropped down. Is the new addition gable wider than the existing gable?
• William Westman said that was a mistake in the drawing.
• Ben Robinson questioned the sliding glass door that would face the road as being historic.
• William Westman said French doors might be installed, but they would be hinged doors.
• Cees Van Eijk said the draftsman just added that to show there would a double door.
• William Westman said they would be willing to do four over four for the windows. The glass patterns are all over the place in the neighborhood.
• Ben Robinson said he would like to see the applicant work to get the roof pitches the same on the plans and have no sliding doors.
• Cees Van Eijk said he would be willing to state that.

There was a discussion about recognizing the historic significance of the house.
• Ernie Thomas asked if the applicant would consider putting at least a plaque on the property or some other way to designate the historic value.
• Cees Van Eijk said he would.
• William Westman thought it was a great idea. He also noted that they would be using some of the interior material in the new house, such as the beams and the front door.
• Cees Van Eijk said he liked the idea of the designation and would work with whoever he needed to do it.
• Linda Sibley suggested the applicant speak with the Historic District Commission in town.
2.3 Public Testimony

**Dana Hodsdon** sits on the Site Plan Review Board and the Historic Commission but spoke as a resident. He keeps hearing how many houses the applicant has renovated, but yet they can’t tell what a real neoclassical Greek Revival window is. Each house on William Street is very different. The Cottles were popular builders during that time period. A sliding door or a French door would never be found on this building. There was a similar instance on William Street, and it was found that it did exist, but not on this style of house. The plans include a shed dormer, the Greek Revival windows are much smaller than they should be, and the second floor windows are different in size. Detailed drawings are needed to know what the applicant will provide. There are certain details that should be looked at and maintained in the drawings. They did demolition on the inside and left it open to the weather for a year and that is almost negligence to him and it added to the deterioration. The main structure is what the house is all about. Historically the next addition is always less and not the same as the details he is hearing here. This project did come before the Historical Commission of Vineyard Haven. He asked that the MVC not allow the house to be torn down without going through the proper channels.

- **Linda Sibley** said the MVC was led to believe that the house did not qualify to go through those Commissions and Committees, as it was not in the Historic District and not listed or designated as historic.
- **Fred Hancock** said the project would come to the MVC first before going to the local authority.
- **Linda Sibley** said because the house is not designated, it gives the MVC jurisdiction. The Historic Commission can help us, but cannot order the applicant.
- **William Westman** said they contacted the Historic District when they first purchased the property, and there is no problem working with them.

**Hyung Suk Lee** is a Tisbury resident and has a home on Franklin Street. He was quite upset by hearing different testimony than what was said in the past. The story is changing. Even though the project is not in the Historic District doesn’t mean the home is not historic. Because of the appearance of the other houses on Franklin Street, this is an important view. He hoped the applicant would keep the same façade, footprint and angles of the home. All of the homes surrounding the cemetery are one and half stories because they were built during the same time period. He suggested that there were ways to massage the plans to fit the site, and not have a T shape roof. He begged the MVC to keep the Public Hearing open so the design could be redone, or perhaps sent back to the historic boards and then have the project come back to the MVC.

- **Linda Sibley** said when the MVC process is through, if there is local jurisdiction, it will go back to that Board. The applicant is technically here to request permission to demolish, and Commissioners do care what it would be replaced with.

**Wendy Westman** is William Westman’s wife and she showed the Commissioners photos of a home that her husband restored. It is a Greek Revival home located in Petersham, MA, the Old Maid Mile house. It is 5,500 sf with a spiral staircase.

- **Michael Kim** asked if the applicant brought in elements for that house for the restoration.
- **William Westman** said they did. They took moldings and copied them. They had to take all of the floors out, and the exterior had asbestos shingles.
- **Linda Sibley** said the discussion about a different building should be part of Deliberation and Decision.

**Hyung Suk Lee** said for the Oak Bluffs house demolition the only thing required to designate it as historic was a plaque. But for this project, and as a practice going forward, he would like them to show a before and after photo.

- **Adam Turner** said the MVC could ask for better documentation.
2.4 Commissioners’ Discussion

There was a discussion about a more specific plan.

- **Linda Sibley** asked if it would be difficult for the applicant to come back with something more definitive as a plan. She asked if Ben Robinson was comfortable with the design as presented so far.
- **Ben Robinson** said he did not think the MVC could make a decision with the information that has been presented.
- **Gail Barmakian** said she felt the MVC needed to see a more specific plan.
- **William Westman** said the submitted drawings include the details, and the only thing to change would be the sliding door and the windows as suggested.
- **Adam Turner** said the MVC does have all the drawings.

There was a discussion about closing the Public Hearing.

- **Linda Sibley** said the Commission needed to decide if the Public Hearing could be closed.
- **Ben Robinson** said the MVC could close the Public Hearing but keep the written record open so more details and documentation could be submitted. Where Michael Kim was going with the as built was important.
- **Leonard Jason** did not feel that the Public Hearing should be closed. If the MVC is going to vote on this proposal, we need to know what we are voting on. Gail Barmakian asked the applicants if they were replicating and the applicants said yes, but the sliding door and window details are not confirmed. The elevation with the mass just doesn’t seem to fit.
- **Ben Robinson** said if the MVC keeps the Public Hearing open then there could be additional testimony. Keeping only the written record open would be okay.
- **Doug Sederholm** agreed that he would also like to see the plans of what exactly would be built.

**Michael Kim** said that design review should not be done before a full board, it should be before a subcommittee.

**Linda Sibley** suggested continuing the Public Hearing until May 18, 2017, and noted that the Commission can clarify through staff what is still required.

**Trip Barnes** said right now the house is a mess. Would the continuation mean that they can’t tear it down until it is approved? **Linda Sibley** said that is correct.

**Linda Sibley** said if the MVC keeps the public hearing open, clarification can be done through staff and the LUPC could be held before the continued public hearing.

**Linda Sibley**, Public Hearing Officer, continued the Public Hearing until May 18, 2017.

3. M.V. ARENA ADDITION-OAK BLUFFS DRI 49-M5 MODIFICATION REVIEW


*For the Applicant:* Geoghan Coogan, Pete Lambos

3.1 Staff Report

**Paul Foley** presented the following:

- The proposal is to add a 2,250 sf multi-purpose room to the back of the building, a 250sf addition to the concession area, and a relocated vestibule.
• The applicant clarified at the LUPC meeting that for this proposal, the concession area would consist of vending machines. If at a later date, the applicants would want to operate a concession stand or kitchen facilities, they would return for a DRI Modification Review.
• The applicant clarified at the LUPC meeting that if they plan to install flooring or mating during the off season (April-July) for increased use, they would return for a DRI Modification Review.
• Island Transport parking of buses would no longer take place in the back of the parking lot.
• The elevations of the building were reviewed.

3.2 Applicants’ Presentation

Geoghan Coogan stated he was representing the arena, not as an attorney, but as the President of the Ice Arena and presented the following:
• To the left of the bleachers there is now an open space where the kids meet.
• The proposed multi-purpose room would create space for kids to meet, birthday parties, as well as board meetings and off-ice exercise. It would make for a better experience than what currently exists.
• The concession area would be a 100 sf addition. It was designed with a kitchen, but is not financially feasible right now financially we don’t know how to operate that so we are keeping vending machines. If it is decided in the future to install a kitchen, the applicants would come back to the MVC.
• The arena is proposed to be a hockey and skating rink. The base would be a concrete floor, but there are no plans to use it for anything other than ice. If there were to be other uses in the future, the applicants would return to the MVC for a modification.

3.3 Land Use Planning Committee Report

Linda Sibley, LUPC Chairman, said because the applicants have limited the uses of the arena and are not installing a commercial kitchen, the LUPC voted unanimously to recommend to the full Commission that this application does not rise to the level requiring a public hearing as a DRI, so long as the applicant returns to the MVC if they expand the use and/or the concessions.

3.4 Commissioners’ Questions

Adam Turner asked if the bleacher capacity would stay the same. Geoghan Coogan said it would, but the wood frames would be replaced with steel.

Adam Turner asked what the seating capacity is currently. Geoghan Coogan said 320 maximum.

Doug Sederholm asked if the arena was connected to the sewer. Geoghan Coogan said no, the sewer is maxed out, and there are no increased services.

Gail Barmakian asked if the applicant would be installing a new septic system. Geoghan Coogan said no, the current system can handle the use, and the Board of Health has approved it. In 2003, a new system was put in with the locker rooms, so now only a pump has to be put in.

Doug Sederholm asked if the arena would be open year round. Geoghan Coogan said it could be, but it might not make financial sense. Linda Sibley noted that the MVC did not condition the seasonality in the original approval.

Doug Sederholm moved and it was duly seconded that the modification does not rise to the level requiring a public hearing.
• Gail Barmakian asked if the capacity would increase with the extra room space.
• Linda Sibley said the applicant is relocating what they are currently doing to a warmer location.
• **Geoghan Coogan** showed on the site plan where the buses were and noted that they are now gone, and that area can be used for extra parking. We did say that four or five buses could maybe stay there but we really don’t want them.
• **James Joyce** asked if the exit and entrance would change.
• **Geoghan Coogan** said no, the line of the plan is a utility easement.


**Linda Sibley** moved and it was duly seconded to approve the modification for the proposal only for activities as represented by the applicant with the removal of the buses, and if the applicant decides the use for a commercial kitchen or changes the use of the facility they will come back to the MVC. *Roll call vote. In favor: G. Barmakian, T. Barnes, J. Goldstein, F. Hancock, L. Jason, J. Joyce, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole. Opposed: none. Abstentions: R. Doyle. The motion passed.*

4. MINUTES


**Fred Hancock** moved and it was duly seconded to approve the minutes of February 2, 2017 as written. *Voice vote. In favor: 10. Opposed: 0. Abstentions: 2. The motion passed.*

5. NEW BUSINESS


5.1 Executive Director Report

**Adam Turner** presented the following:
• A letter has been written to the CEO of the Hospital asking him to get back to the MVC with what the plans are regarding Wildflower Court, and he will work with the CEO on the issue.
• He is preparing a letter to Eversource regarding the use of herbicides on the utility rights-of-way. Other Towns have done so. The Eversource plan was approved by the State, but the effects on the Island’s ecosystem are different than in other parts of the State. The ecosystem challenges will be emphasized in the letter.
  • **Ben Robinson** asked if there was an interest in an Island wide DCPC for herbicides.
  • **Adam Turner** said that would be a long term project.
  • **Ben Robinson** said the amount of herbicide used by Eversource is not as large as household use. If the issue is to be dealt with, Eversource is not the source to go after.
• The MVC received an Edey Grant for $20,000 to take data of water resources.

5.2 Commissioners’ Discussion

**Linda Sibley** noted that after the Oak Bluffs site visit she, Katherine Newman, and Adam Turner discussed that the MVC can’t do anything to prevent someone from not taking care of their building, but the Towns can. **Adam Turner** said the dilemma is what happens when a building deteriorates through the property owners own actions. How do you control that? **Linda Sibley** said on a first visit the building might be able to be saved, but by the third visit it may not be.

The meeting was adjourned at 8:50 p.m.
DOCSUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, Held on February 2, 2017
- Damroth DRI 672 Offers, Revised April 11, 2017
- NHESP & MVC Building Envelope Plan, David A. Damroth, Dated April 12, 1987
- Martha’s Vineyard Commission DRI 675-Westman/29 Franklin Historic Demolition MVC Staff Report – 2017-04-13
- Correspondence regarding DRI 675 Westman/29 Franklin Historic Demolition from; HS Lee dated March 16, 2017, Dana Hodsdon dated March 13, 2017 and Chris Baer dated March 7, 2017
- Martha’s Vineyard Commission DRI #49-M5 M.V. Ice Arena Addition MVC Staff Report – 2017-04-13 Modification Review
- Letter from Geoghan Coogan Dated March 22, 2017 RE: DRI Martha’s Vineyard Ice Arena
- Proposed Elevations and Proposed Flor Plan M.V. Ice Arena
- Site Plan M.V. Ice Arena

[Signatures]

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Date

15·Mar·2018

Date