Minutes of the Commission Meeting
Held on May 4, 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)
P  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)
P  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).

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

1. SANTANDER ROOF TILES-TUSBURY DRI 674 PUBLIC HEARING


Linda Sibley, Public Hearing Officer, opened the Public Hearing and read the public hearing notice. The applicant was Santander Bank. The public Hearing was continued to May 18, 2017 without taking testimony.

2. RED GATE FARM LOT LINE ADJUSTMENT-AQUINNAH DRI 589-M MODIFICATION REVIEW


For the Applicant: Chris Alley, Engineer

2.1 Staff Report

Paul Foley presented the following.
- The property is located in Aquinnah, Map 11-Lots 35, 1, 2, 3 and 4; Map 12-Lot 65; and Map 13-Lot 1 (366 acres).
• The property was purchased in 1978 from the Hornblower family. The property is largely undeveloped with the exception of the homestead, the caretakers' house and a cabin.
• DRI 589 in 2006 was an Estate Plan on 366 acres in Aquinnah intended to provide a lot for each child in the family (3), to preserve privacy and the beauty of the Homestead lot (Lot 2), to preserve the environment and to create and control the possibility of a future sale of two lots. These two lots would not be sub-dividable if sold outside the family.
• The DRI 589 Red Gate Farm Estate Plan reduced the number of lots from 36 to 7. It was approved with conditions on future subdivision, further development, development areas, affordable housing, and wastewater.
• The proposal makes four lot line adjustments on an approved Estate Plan in Aquinnah:
  - Transfer approximately 19 acres from Lot 5 to Lot 6 to move potential building sites or Lot 6 out of environmentally sensitive and/or publically visible areas.
  - Transfer approximately 0.85 acres from Lot 2 to Lot 1 in order to shift a potential building site on Lot 1 away from State Road while still meeting zoning setbacks.
  - Transfer approximately 0.33 acres from Lot 2 to Lot 3 in order to establish proper frontage on Red Gate Farm Road on Lot 3.
  - Transfer approximately 0.33 acres from Lot 5 to Lot 7 in order to re-establish proper frontage for Lot 5 along Red Gate Farm Road.
• The Aquinnah Planning Board is supportive of these changes.
• The approved estate site plan was reviewed.

2.2 Land Use Planning Committee Report

Linda Sibley, LUPC Chairman, said the LUPC voted unanimously to recommend to the full Commission that there was not a significant change to the approved DRI, and that it would not require a public hearing as a DRI.

2.3 Applicants' Presentation

Chris Alley said Paul Foley's presentation covered the pertinent points. The site is in priority habitat.

James Joyce asked if NHESP used the new maps or the old maps in their evaluation. Chris Alley said they were working with the old maps, and mentioned that the new maps are less restrictive for Red Gate Farm.

Linda Sibley moved and it was duly seconded that the change does not rise to the level requiring a public hearing. Voice vote. In favor: 16. Opposed: 0. Abstentions: 0. The motion passed.


3. CHAPPY WIRELESS TOWER-EDGARTOWN DRI 662 EXTENSION REQUEST


For the Applicant: Brian Grossman (Anderson & Kreiger LLP)

3.1 Staff Report

Paul Foley presented the following.
• The MVC approved the project about one year ago and the applicant has returned to ask to operate the temporary facility for another year.
• The applicant requested a modification to the special permit to amend Condition No. 1 “Temporary Approval” to allow the operation and maintenance of its existing temporary facility.

3.2 Applicants’ Presentation

Brian Grossman presented the following.
• One year ago, AT&T applied to the Edgartown Planning Board and the MVC for the installation of a temporary wireless tower, while options for a permanent tower were explored.
• The applicants are asking for the temporary facility to remain up and operational until AT&T can finish the permanent facility.
• The permanent facility will be at the same site on Sampson Avenue.
• The applicants have not filed for the permanent facility yet because of redoubled efforts to determine the most appropriate site. The application is being finalized, and should be submitted within two to three weeks. If approved, the permanent facility will be on the temporary site and the temporary tower will be removed after the permanent tower is constructed.

3.3 Commissioners’ Questions

Joan Malkin asked what other approvals, licenses, or permits were required, apart from the Edgartown Planning Board and the MVC. Brian Grossman said there were federal processes through the National Environmental Policy Act, but no other local permits.

Joan Malkin asked if he was involved in the federal processes, because she wanted to ensure that the extension would be a sufficient amount of time for the applicants to complete the permanent tower. Brian Grossman said he would not be directly involved in the federal filings, that a separate consulting company specializes in those processes; but he was not aware of any identified trigger or an endangered habitat that would take longer to review. He felt that it would be the typical process that would run concurrently with the other local permitting processes.

Fred Hancock said approval was one year from the construction start date and asked what the date was. Brian Grossman said it the original date was May 4, 2017, to be extended to May 31, 2018.

Gail Barmakian said she still needed a better understanding of the time that would be needed to complete the permanent tower. Brian Grossman said in terms of permitting, the applicants would go through the Planning Board and MVC review processes, and would need approval for construction. He estimated that it would take about six months.

Gail Barmakian asked how long construction would take. Brian Grossman said the physical construction of the permanent tower would probably take about a month, and mentioned that the temporary tower was much faster.


4. MEDICAL MARIJUANA-WEST TISBURY DRI 618-M2 PUBLIC HEARING

For the applicant: Geoff Rose (Patient Centric), Jim Eddy (Big Sky Tents), Reid Silva (Engineer).

Linda Sibley, Public Hearing Officer, opened the Public Hearing and read the Public Hearing Notice. The applicant is Geoff Rose, Patient Centric; and the location of the project is 90 Dr. Fisher Road, West Tisbury, Map 21 Lot 12. The proposal is to establish a Registered Medical Marijuana Dispensary and grow operation with modifications to a previously approved, but not yet built, building in the West Tisbury Light Industrial District. The public hearing process was reviewed.

4.1 Staff Report

Paul Foley presented the following.

- The applicants are Geoff Rose, Patient Centric; and Jim Eddy of Big Sky Tents, who owns the property.
- The project location is 90 Dr. Fisher Road, West Tisbury, Map 21 Lot 12 (1.01 acres). The property was the subject of a Form A that divided the original Lot 12 into three one-acre lots. This is the middle of the three lots.
- The proposal is to establish a Registered Medical Marijuana Dispensary and grow operation with modifications to a previously approved, but not yet built, building in the West Tisbury Light Industrial District.
- Zoning is L-I, which mandates 20 foot setbacks, except 100 foot setbacks with wooded buffers are required if the lot abuts the RU District (in rear). When the L-I District was drawn, a number of the properties were split between the L-I District and the Residential District. In 2000, the properties that were in both were incorporated into the L-I District.
- The property first came before the MVC in 2008 as a proposal for a commercial parking area for 50 trucks, 25 trailers and 20 pieces of equipment. That project was withdrawn. In December 2010, the MVC approved Big Sky Tents to build a 9,600 sf (footprint) building, with conditions, to house a tent and party rental business. The development was held up by a subsequent access issue. The approval was extended for four years by the State Permit Extension Act, and extended again by the MVC on November 17, 2016 for another two years to December 13, 2018.
- The Big Sky Tent approved site plan was reviewed.
- The approved Big Sky Tent building was a tall (14’ sidewalls and just under 28’ high at the top of the ridge) single-story 9,600 sf building with architectural details that were approved to look like an agricultural building with clapboard and shingle.
- Big Sky is a primarily seasonal business operating from May through Christmas.
- The revised site plan was reviewed.
- The floor plans were reviewed; Big Sky and the dispensary would split the first floor and the second floor would mostly be the grow operation.
- Key issues include:
  - The property is in the Light-Industrial District, but is also on an ancient way and abuts a residential neighborhood to the east. Is the intensity of use too much for a property bordering a rural residential area?
  - How will Dr. Fisher Road and the neighborhood be impacted?
  - Could this become a recreational marijuana dispensary in the future?
  - What measures would be required for security and lighting?
  - There was concern regarding the nitrogen load.
- Nitrogen: This parcel has an active and approved DRI, where it was classified as being in the Tisbury Great Pond watershed. The approval was based on it being a previously developed site that already exceeded the loading limit, and the total load from the new project would not exceed that previous load. The parcel was previously a residence.
• Site photos of the road were shown.
• The center of the proposed site driveway on Dr. Fisher Road is 630 feet from the end of Old Stage Road. There are seven turnouts of various length and width in that space. They are adequate, though not ideal for the neighborhood.
• The plan is to access the property as soon as you reach the property on Dr. Fisher Road.
• During review of the approved project the Agent had said that Bizarro had agreed to also use this access. Bizarro has since expanded.
• The joint uses between the dispensary and Big Sky are estimated to generate a total of 212 daily trips.
• The applicant’s estimated daily, weekday trip generation is roughly 4.5 times the number of estimated daily trips for the prior Big Sky Tents DRI approval.
• The proposed site plan, that was revised on May 1, 2017, was reviewed.
• The revised plan shows 18 parking spaces on the property. The approved plan had 16.
• The building would have a total of 11 full time employees (10 Patient Centric, 1 for Big Sky) and an estimated 7 patrons per hour.
• The surface would be concrete rap.

6.2 Wastewater Report

Sheri Caseau presented the following.
• The property is currently approved for a nitrogen load of 3.8 kg/yr.
• The number of employees has been scaled back from the original proposal.
• Since this is a new type of business, Staff consulted with DEP to establish a flow.
• The flow for the proposed project would yield an estimated nitrogen load of 6.38 kg/yr.
• The applicant has offered to install composting toilets; and DEP permits a 50% nitrogen load credit.
• The nitrogen load for the proposed project with composting toilets would be 3.19 kg/yr.
• Recommended conditions:
  – As offered by the applicant, only composting toilets will be used.
  – Per DEF regulations, wastewater from cultivation will be collected in an industrial waste holding tank and disposed of by a licensed contractor.
  – All cuttings and clippings are to be added to compost and disposed of by a certified composter.
  – Dispensary limit to 10 employees. Big Sky limits operation to only storage of infrequently used rental equipment in the building with an average of 6 trips per week from May 1 to October 31, and virtually no trips the remainder of the year.

Doug Sederholm asked whether the estimated load would be decreased by half because of the DEP credit. Sheri Caseau said it would.

Doug Sederholm asked what the nitrogen load would be with composting toilets. Sheri Caseau said the load would be 6.38 kg/yr, and with the composting toilets the nitrogen load would be 3.19 kg/yr.

Doug Sederholm said if we follow MEP guidance for the Tisbury Great Pond, the load would need to be 0.81 kg/yr. Sheri Caseau said that 0.80 kg per acre per year is the current MVC policy, but considerations were made because the property has a pre-existing septic system, and the current DRI was approved with a load limit of 3.8 kg/yr.

Joan Malkin asked what would contribute to the remaining nitrogen. Sheri Caseau said it would be mostly run off from hand washing sinks.
Gail Barmakian asked if any of the waste from the cultivation area would contribute to the nitrogen load. Sheri Caseau said that the waste will run off into an industrial waste container for off-site disposal, and will not contribute to the nitrogen load.

6.3 Applicants’ Presentation

Geoff Rose presented the following.

- He introduced Jim Eddy of Big Sky Tents and Reid Silva (Engineer).
- He thanked the MVC Staff for their cooperation throughout the process.
- He has been asked many times why he has continued this effort that has gone on for about four and a half years. He said he’s learned that on Martha’s Vineyard you either hide out, contribute, or leave, and he has chosen to contribute.
- He created Our Island Club with a business partner because there was a need. They have contributed over $500,000 to Island charities.
- There is a need for a Medical Marijuana Dispensary on Martha’s Vineyard, and it is a viable business.
- The mission of Patient Centric is to provide patients with the highest quality cannabis in a safe and dignified setting.
- He has been asked why Dr. Fisher Road. He stated that 82% of West Tisbury voted in favor of medical marijuana, and the voters of West Tisbury permitted the zoning in 2013. He was granted a license for 505 State Road, but one of the criteria for the licensing was to create an independent laboratory on-site, since he is not allowed to transport any type of cannabis over Federal waters. Due to the space needed, he had to seek another site option.
- The organization is a non-profit corporation that will dispense medical marijuana only. It is not a recreational dispensary. The State regulates recreational dispensaries based on the number of liquor stores in the town.
- Patient cards will be issued by the Department of Public Health after authorization by a certified physician for treatments, such as the chronic pain from cancer.
- The dispensary will be a highly regulated entity, and detailed operating plans are required for each area of regulation.
- Cultivation will be indoors on the second floor in a windowless area with a comprehensive security system. No pesticides will be used, and the plants are subject to very rigid testing. The plants are barcoded. A drip system of irrigation will be used, which will virtually prevent runoff. Liquid waste will be stored in a holding tank until it can be properly disposed of; and solid waste will be brought to Morning Glory Farm for compost, as approved by DPH.
- There will be perimeter alarms on all windows and doors, and there will be video cameras in all product areas. There will be biometric access to the vault. The applicants are required to prevent individuals from remaining on the property.
- Consumption of marijuana is strictly prohibited on the premises or grounds of any dispensary.
- Passive infrared motion detector lighting will be installed, which create no excess light.
- Access will be by appointment only. There is highly controlled security access via a vestibule and entry before accessing the dispensary.
- There are currently 120+ patients registered in Dukes County. The three year projection is for 400 patients. The island has an aging population, as well as a large labor workforce, that will tend to suffer more debilitating conditions. The need is approximately 2.4% of the population.
- Patient visits are scheduled to last ten minutes. There will be seven patients per hour, with some overlap.
- Home delivery will be provided as some patients will be home bound or unable to get to the dispensary. There will be no charge for delivery.
There are extensive DPH compliance regulations and local requirements. The proposed location is seven times further away from a school than required by law. The applicants are required to have an architectural review, an operations manual review, site visits during construction, an approval to grow, an approval to sell, and scheduled and unscheduled visits by the DPH.

Education is a cornerstone of Patient Centric. The applicants will educate patients on appropriate use, as well as provide education support to the community. The organization will establish a grant program, so that a percentage of net profits will be made available to programs focused on substance abuse and prevention.

The Board of Directors will be year-round local residents.

The applicants want the dispensary to be a good neighbor to the town.

The application is not for a 30,000 sf supermarket or a golf course. Mr. Rose wants to create a 600 square foot dispensary with an appropriately sized cultivation and processing area.

They respectfully asked the MVC to approve the project.

6.4 Commissioners' Questions

Fred Hancock said the applicant anticipates ten employees and asked for clarification. Geoff Rose said that was correct at the end of the third year, and that some will be full-time and some part-time.

Fred Hancock said in reference to the elevations, he understands there are security reasons for the lack of windows, and noted that some of the architectural details have gone away from the original building. He asked what materials would be used. Jim Eddy said it would be board and batten that appears similar to barn board, and he will get back with the details.

Michael Kim asked if the MVC is allowed to consider the use itself, or is the criteria something else. Linda Sibley said with all due respect, that question should be reviewed at another time, or staff can instruct.

Joan Malkin asked to quantify the impact of the home delivery and asked for clarification of the transportation numbers. Dan Doyle said the trip generation numbers were based on the project in year three of operation for staffing and patients. He said it was unclear if the patient number would be reduced based on the reduction of square footage in the new proposal. He assumed that it would not.

Doug Sederholm said it appears traffic is a major concern to abutters. The applicant said the location was moved due to the growing area needed. He asked if the lab would be in the growing area. Geoff Rose said the lab has to be on the site of the dispensary. The regulations allow cultivation in one location with a separate dispensary. DPH would need to be consulted on whether the lab has to be attached to the growing area or the dispensary.

Doug Sederholm said the applicant said there was a need for 2% of the population. He asked what the population was for the study area. Geoff Rose said the average penetration across the country where medical marijuana is licensed was a 2% penetration.

Doug Sederholm asked if the applicant was making an offer of only seven patients per hour. Geoff Rose said yes, he was limiting the number of patients.

Joan Malkin asked if the dispensary would operate five days per week. Geoff Rose said it would be open six days per week.

Linda Sibley asked what the hours of operation would be. Geoff Rose said Monday to Friday 9:00 a.m. to 5:00 p.m. and Saturday 10:00 a.m. to 5:00 p.m.

6.5 Testimony from Public Officials

Nancy Cole is the Chairman of the West Tisbury Zoning Board of Appeals. She stated that West Tisbury zoning allows medical marijuana in town. This project is different from the prior approval for the
dispensary at 505 State Road because it includes cultivation. The Zoning Board held public hearings and took testimony from neighbors, and the main concerns were traffic and lighting. The plans have changed considerably since that time, and some improvements have been made. The applicant has said, per the State, that recreational dispensaries are determined based on the number of liquor stores in the town. She questioned that, and stated that there are conflicting specifications regarding whether a medical marijuana facility may be able to transfer to a recreational facility, which is an unanswered question.

Larry Schubert is the Vice Chairman of the West Tisbury Zoning Board of Appeals. He researched infrared lighting, and found some inconsistencies. The applicant has said he would install infrared lighting. In reality, it is likely that he would install infrared sensors that turn on the lighting when necessary, the sensors themselves are not invisible lighting. The lights will still turn on.

6.6 Public Testimony

Linda Sibley, Public Hearing Officer, asked if there were any members of the public who may not be able to return, as she would give them the first opportunity to speak.

Martha Sullivan showed photos of the area. She said it was not a question of need, but a question of location. She has lived at 52 Dr. Fisher Road since 1981. There are horses, camps, pedestrians and residences on the road. The proposed location is bizarre for a dispensary.

Dan Larkosh said he is the closest residential neighbor, and that the property is virtually right across the street from his house. The property is located in a Light Industrial zone. If this type of facility isn’t allowed in a Light Industrial zone, where could it go? There is no better location than what is being proposed. He is the only person who can see it, and thought it was a lot better than something else. Right now, there is a trash business, chippers and chain saws. This would be a vast improvement over the existing businesses. Medical marijuana alleviates peoples suffering, and may help fight cancer. This is an opportunity for our community. The science of medical marijuana is in its infancy in this country, and it could be another Microsoft. The impact from the dispensary will be far less than any other existing business in the area. This is the road to the dump. There are trucks going up and down this road all day long. He encouraged the Commissioners to conduct a site visit. Geoff Rose will have control of his patients, knowing when they are coming, and he can control the traffic. He will be a good neighbor. Mr. Larkosh hoped the Commission would approve the project, and he gave his 100% support.

James Vercruysse said the MVC did do a site visit and has seen the area.

Elizabeth Fielder said she will also be able to see this facility from her property. She wondered how the MVC approved a business with 150 trips a day when residents maintain the road. She asked if there were any other businesses on private dirt roads where residents pay $750 per year to maintain it. She asked if this existed anywhere else on the Island. She was not arguing with the purpose of the business, and acknowledged the need, but thought that putting it on a private dirt road where residents pay for maintenance made no sense at all.

Jim Bishop said Mr. Larkosh made a very good statement. He asked why Big Sky isn’t giving Mr. Rose space for his business at the large facility at the airport. He mentioned that the airport space has paved roads on a bus line, the lighting would not affect residents, and there would be no impact on traffic.

David Fielder had a question about the lighting. There is a deer problem in the woods. He imagined hundreds of activations of the infrared sensors because of the deer, which could create a strobe effect. He asked whether that was reasonable for the neighbors.

Sumner Silverman is a mental health professional and practicing psychologist who is a patient and has used the product. Three years ago he was diagnosed with cancer. It was unexpected and he was debilitated for six months. He tried medical marijuana with approval of doctors, and the change it made
in his life was amazing. He went to dispensaries in Eastern Massachusetts to educate himself as an educator and a practitioner. The dispensaries were very innocuous, and you would not know it was there. Each was quiet, with no crowds, and well maintained. Currently, it is a burden to leave the Island to get to a dispensary, and it is a burden to make arrangements and cancel clients to do so. It is also a decision to break the law in order to bring the medication back by going across Federal waters.

**Steven Anagnos** said he is a medical marijuana patient who is also going off Island and breaking the law to get his medication. Opioids are a larger problem, and this is a much better and badly needed alternative. The proposed location is in a Light Industrial District. He implored the MVC to approve this change of use.

**Chris Egan** lives on Dr. Fisher Road and is a close neighbor. This facility would be just outside his view, he can see John Keane’s pile of debris. This is a Light Industrial area and there will be leaking trucks, landscaping, and this building, as well as the trash business. Currently after 5:00 p.m., it is quiet in the neighborhood, but this facility would add to the current uses, not replace them. It would bring traffic to a tight location navigating with large trucks. This is a big operation, and he did not see a generator on the plans, and asked where it would be located. He asked if a police presence would be necessary to check on the dispensary periodically. The State is obviously concerned, because the dispensary needs vaults, security, lighting, and bar codes on plants for licensing. These are big concerns to him. He suggested modifying the 505 State Road location to accommodate an on-site laboratory, or requesting the State to allow for an exception to have the laboratory in another location. Nantucket has a plan for a privately located dispensary. There are options to utilize 505 State Road. His biggest concern was Dr. Fisher Road, and the increased traffic from this proposal. From Edgartown, GPS directs people down Dr. Fisher Road to this dispensary. He opposed the proposal.

**Diana DeBlase** lives on Dr. Fisher Road on the Old County Road side. The Planning Board subdivided for affordable housing to allow higher density, and she was hoping that would be the route the Town would go. She thought that having such a wide range of uses on a single-lane dirt road would be difficult to manage. It was not a question of what Geoff Rose was trying to do, but she did not think this was the right location, especially since it would be on a privately owned road. She asked who would police the property. She hoped the original location would be considered.

**Farley Pedlar** said earlier in the presentation, Paul Foley noted the location was on a West Tisbury recognized special way, and has different setbacks.

- **Paul Foley** said the rear of property abutting residential parcels requires 100 foot setbacks.

The projection shows 120 card carrying patients and that projection jumps 300% to 400 card carrying patients. He asked what the 5 year, 10 year and 20 year projections were. During Geoff Rose’s presentation, it was mentioned that the labor force and aging population would likely increase the need here. He was not sure the 2.4% penetration rate was an accurate reflection of the demand on Island. He has not seen anywhere that the DPH requires an in-house testing facility, and suggested that the growing and selling operations be divided between locations. He suggested that perhaps the grow operation could be on Dr. Fisher Road, and the dispensary could be in a business district, not abutting a residential district on a private road. Perhaps the State would grant an exception to have a recreational marijuana dispensary due to our location being on an Island. Mr. Pedlar has two young daughters and dogs and they walk on the road every day. With the current traffic, they have to step off into the bushes. The increase in traffic is very concerning, especially since the road is designated as a DCPC, and is used by the public often for recreational use. The road serves as an access to the State Forest and to Land Bank properties. This proposal would have a significant negative impact to West Tisbury residents who
Steven Anagnos said the size of the cultivation area would not be able to serve an increased usage.

6.7 Commissioners' Discussion

Linda Sibley stated that she would like staff to provide an explanation of the traffic numbers. She also asked for information about the A/C and generators, and where they would be located.

Joan Malkin asked for materials on the lighting system and how it works.

Leonard Jason would like a copy of the Zoning By-laws, the chronology of the applicant's approvals, and a list of what is allowed in the Dr. Fisher Road DCPC.

Joan Malkin said staff needed to advise Commissioners on all of these issues.

Doug Sederholm said Commissioners need more details on the 2.4% national rate, as well as answers from the State regarding whether the retail and the lab/testing can be done in separate locations.

Linda Sibley said the public hearing will need to be continued as there are too many outstanding issues.

Joan Malkin said Commissioners need clarification about the home delivery and the impact of future growth. They also need information regarding signage, if any is planned; and a narrative of the alternative sites since we have to view in terms of acceptable alternatives.

Dan Doyle said the generated trip estimation was based on 10 full-time employees. The DCPC, as it applies to Dr. Fisher Road, is less restrictive because it ensures public use.

Christina Brown asked for additional information for the next hearing that encourages patrons to enter from Old Stage Road, and to include creative ways to make sure it happens in the applicant's plans.

Michael Kim would also like how the applicant plans to maintain a private road addressed.

Farley Pedlar asked if the State ties a license to dispense medical marijuana to a particular address. Geoff Rose applied to 505 State Road, is that transferrable?

Christina Brown would like to know if the applicant or the Road Association can widen, pave, or otherwise improve Dr. Fisher Road.

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

5. DAMROTH SUBDIVISION-CHILMARK DRI 665 DELIBERATION AND DECISION


James Vercruysse, Chairman, said Deliberation and Decision has been postponed until May 18, 2017 at the request of the applicant.

6. M.V. MUSEUM-TISBURY DRI 665 DELIBERATION AND DECISION


For the applicant: Katy Fuller, Phil Wallis
6.1 Land Use Planning Committee Report

Linda Sibley, LUPC Chairman, clarified the LUPC notes. The LUPC recommended that the museum should pay for the design and permitting for the missing section of the sidewalk on Lagoon Pond Road, and if the monetary amount was excessive, they could return to the MVC for a modification.

6.2 Offers and Conditions

Transportation
There was a discussion about offer 9:

- Doug Sederholm asked what the maximum number of cars was on offer 9.
- Katy Fuller said the offer originally said 49 designated spaces, instead of maximum number of cars, but if the number of parking spaces changed, they would need to come back for a modification.
- Robert Doyle felt 49 spaces seemed reasonable.
- Fred Hancock said the MVC would have to make it a condition regarding offer 9.
- Leonard Jason asked if there was a restriction on the number of events the museum could have.
- Doug Sederholm said there was no limit on the number of their own events. There is a limit on non-museum events.

Doug Sederholm moved and it was duly seconded to add a transportation condition on offer 9. The museum shall use off-site parking and shuttle service for any event that exceeds 49 vehicles. Voice vote. In favor: 13. Opposed: 0. Abstentions: 3. The motion passed.

Linda Sibley moved and it was duly seconded to add a condition under Transportation: The museum shall restrict trucks and vehicles associated with their construction from parking on Lagoon Pond Road and other nearby residential streets. Voice vote. In favor: 14. Opposed: 0. Abstentions: 2. The motion passed.

There was a discussion about Transportation Condition 2:

- Fred Hancock agreed with design and permitting, but not the construction, and suggested striking the construction clause.
- Ben Robinson questioned the word “might” and felt it should be changed to “shall.” The MVC is asking the museum to provide safe access to their property. He did not feel installing 80-90 feet of sidewalk would be a significant amount of construction, and it is along their property line.
- Josh Goldstein agreed. It will funnel people to their organization, so let the museum pay for it, and they will benefit from it.

Linda Sibley moved and it was duly seconded to approve Transportation Condition 2 which includes construction.

- Christina Brown asked for clarification that the condition includes paying for the construction.
- James Joyce asked what the time limit would be.
- Fred Hancock said the Museum cannot build the sidewalk, that the Town needs to build it, and he did not think the MVC could condition a third party with a deadline.
- Robert Doyle said setting a time limit is important. The sidewalk gets people to the site, and suggested having the deadline be opening day.

Linda Sibley amended her motion and it was duly seconded that the condition also state includes paying for the construction.

- Ben Robinson noted that the Town may decide to pick up some of the cost.
• Katherine Newman said she felt a little odd that the museum shall pay for it, it should be a team effort between the Town and the museum.
• Linda Sibley felt it was fair because the museum can come back to the MVC.


There was a discussion about offer 10:
• Christina Brown said with regards to offer 10, the MVC ordinarily does not put a number on the events but the memorandum runs to a certain time, after which it could be re-negotiated or goes away. Can the MVC tie its motion to the current memorandum and any future one?
• Doug Sederholm asked if the MVC wants to tie to the town, or have the museum come back to the MVC. It is a direct regional impact.
• Ben Robinson noted that the Memorandum of Understanding with the town can be changed by the town.

Christina Brown moved and it was duly seconded that Transportation Offer 10 be conditioned noting the date of the Memorandum of Understanding as June 30, 2015 and if the Town changes the Memorandum of Understanding the applicant comes back to the MVC.
• Joan Malkin clarified that if any of the terms of the Memorandum of Understanding change, then the museum comes back to the MVC for a modification.
• Christina Brown agreed.


Leonard Jason excused himself from the meeting.

Landscaping
James Joyce asked if offer 1 was what the neighbors had requested. Fred Hancock said it was.

Noise
Linda Sibley moved and it was duly seconded to have no amplified music outdoors.
• Joan Malkin questioned if amplified music should be limited.
• Josh Goldstein said that as a son of a teacher, sometimes amplified music is needed for children’s events and interaction. Why restrict them?
• James Joyce said amplified music is needed once or twice a year for fund raising events.

Linda Sibley amended her motion and it was duly seconded to allow amplified music outdoors no more than four times per year.
• Phil Wallis read the MOU and said the Town of Tisbury has limited the museum to 12 private events with no amplified music.
• Joan Malkin felt: four events was restrictive.
• Linda Sibley said the condition should state a reasonable number of events, but it should not be unlimited.
• Robert Doyle said it is primarily problematic noise with an occasional fund raiser.
• Fred Hancock suggested striking condition 1 under noise.
• Linda Sibley asked if the museum were to try to hold five events per week, would the town be able to restrict them. The noise is problematic in the daytime and the night time.
• Christina Brown suggested not only limiting the amplified music, but also the total number of allowable events, and the time that they should end.
• Michael Kim said there is already a law in Tisbury that cannot be violated. Does the MVC really need to be more restrictive? The noise won’t go across town lines to Oak Bluffs.
• Doug Sederholm and Linda Sibley said the noise will go across Lagoon Pond.
• Trip Barnes said in the past 25 years he has raised a significant amount of money for the Island at various fund raising events and music is what tied people together. It is the spirit of Martha’s
Vineyard. He is totally against this museum in this spot. He has grown with the Preservation Trust, but it is ridiculous to say the museum cannot play music for a fund raiser.

- **Joan Malkin** suggested six evening events.

**Linda Sibley amended her motion to allow amplified music for six outdoor events after 6:00 p.m. Voice vote. In favor: 9. Opposed: 2. Abstentions: 4. The motion passed.**

**Linda Sibley moved and it was duly seconded to approve Noise Condition 2. and 3. as written.**

- **Fred Hancock** said these conditions were appropriate when the museum was in town with close abutters, but are not as critical in this location.
- **James Joyce** said the conditions were written based on concerns with the generator noise for the neighbors.
- **Joan Malkin** asked what the unacceptable noise threshold was.
- **Michael Kim** said ambient noise would not reach across the pond.
- **Fred Hancock** said the ambient noise level is different in winter versus summer.
- **Joan Malkin** said a neighbor made what sounded like a reasonable issue about the potential noise from the condensers. It could be a problem, and she asked if the Commissioners wanted to do something about it.
- **James Joyce** agreed with Joan Malkin, and noted that the museum has made efforts to mitigate the noise.
- **Michael Kim** agreed, but noted the MVC should not be the entity regulating the noise.
- **Fred Hancock** said the standard could be that any noise from the mechanicals would not be heard beyond the border of the property.
- **James Vercruysse** said a certain decibel should be included.
- **Linda Sibley** said the conditions are saying the museum has to find the establishment of the ambient noise level.
- **Joan Malkin** said we do not have any of that criteria.
- **Christina Brown** withdrew her second on the motion.
- **Linda Sibley** withdrew her motion.

**Joan Malkin moved and it was duly seconded that the museum shall conduct a sound study (under the supervision of a professional INCE Board Certified Noise Control Engineer) to determine the existing ambient sound levels on the site and to recommend noise standards. The results of the study shall be reviewed by and approved by LUPC to determine acceptable sound levels that will not unduly disturb the residential neighbors in their homes. Voice vote. In favor: 6. Opposed: 3. Abstentions: 6. The motion passed.**

**Exterior Lighting**

There was a discussion about Offer 2:

- **Joan Malkin** was concerned that the Fresnel Lens Pavilion may be lit until 11:00 p.m.
- **Doug Sederholm** said perhaps the museum should commit with the dark skies plan.
- **Fred Hancock** said that the dark skies plan relates to downward facing exterior lighting, and that most of the light in the Pavilion will be held within the space. It might be difficult to determine how the area is effected until the building is lit, which won’t be until after issuance of the Certificate of Occupancy.
- **Katherine Newman** said she was not sure Offer 2 and 3 fit together. A big expanse of lighting until 11:00 p.m. is not necessarily dark skies compliant.
- **Fred Hancock** said dark sky compliant relates to downward facing lighting.
- **Katherine Newman** said that does not necessarily apply to ambient lighting coming through windows that lights up the sky.
• Linda Sibley said when the MVC reviews the dark sky plan, a condition could be added so the shades in the Pavilion need to be pulled before 11:00 p.m.

Doug Sederholm moved and it was duly seconded to add a condition to offer Exterior Lighting 3.; to include when doing the dark sky compliant lighting plan that lighting emanating from the Fresnel Lens at night be part of their plan.

- Michael Kim asked why not add a sentence to their Exterior Lighting offer 2.
- Joan Malkin said the MVC cannot amend the applicant’s offers.


Linda Sibley moved and it was duly seconded to extend the meeting 15 minutes. Voice vote. In favor: 15. Opposed: 0. Abstentions: 0. The motion passed.

Affordable Housing

There was a discussion about the Affordable Housing Offer:

- Fred Hancock said the LUPC heard from Christine Flynn, and asked for her input.
- Christine Flynn said the applicants offer was to provide seasonal housing for 5-20 interns, and she felt that was better than an affordable housing offer.

Michael Kim moved and it was duly seconded to strike the affordable housing condition.

- Doug Sederholm asked if this was what they were already doing.
- Adam Turner said the motion is to continue what they are already doing.
- Joan Malkin said she was not in favor of Christine Flynn’s recommendation. She felt the museum should be required to continue what they are doing, but also provide some type of compensation because they are not contributing to the reduction of the housing problem.
- Christina Brown asked how many other non-profits and for-profit organizations the MVC has accepted similar offers from.
- Joan Malkin asked Christine Flynn to clarify the offer.
- Christine Flynn said her understanding was that the museum provides seasonal housing for their summer interns. Their offer is to continue to do that.
- Joan Malkin asked how they provide the housing: do they pay, subsidize, etc.
- Christine Flynn said her understanding was that it was free housing.
- Linda Sibley said the difference is they would be required to continue to do it, and that would be a good practice.
- Katherine Newman felt it was not a problem to continue doing what they are doing.
- Gail Barmakian said they are not taking up existing housing, they are supplying housing through their Board of Directors.
- Ben Robinson asked if they provide housing for year-round staff versus seasonal staff.
- Christine Flynn said currently no, but the applicants have said they would be willing to assist in the future.
- Christina Brown asked how many employees are there now and how many in Phase 1, 2, and 3.
- Christine Flynn said currently 22 employees and the future is the same level.


Joan Malkin said she would like to hear what her fellow Commissioners think about the museum saying they secure housing.

Doug Sederholm moved and it was duly seconded to condition that the museum shall secure seasonal housing for all of its summer interns annually at no cost to the interns.

- Ben Robinson said seasonal employees are not affordable housing. He did not see how providing housing for seasonal employees was an affordable housing offer.
Josh Goldstein said it was apples to dump trucks.

Joan Malkin said we often confuse workforce housing and affordable housing, both of which are problematic on the Island.

Adam Tuner said the museum is an existing operation, and what they have is a seasonal housing problem.

Ben Robinson said affordable housing is for people who can’t afford to live here. Seasonal housing has to do with the lack of housing.

Christine Flynn said when the MVC mitigates housing, it is about providing housing. The museum is providing an impact on housing in the summer time because seasonal workers are a competing use.

Trip Barnes noted that not too long ago the MVC reviewed the Lamport and their seasonal housing. He agreed with Ben Robinson, and mentioned that he provides housing for his workers.

Linda Sibley said maybe this should be headed as Housing. The Nexus study was the basis for the affordable housing policy.

Doug Sederholm reiterated his motion and it was again duly seconded.

Fred Hancock said it was not unreasonable to cut a non-profit some slack. He did not think the MVC needed to nit-pick the offer to death.

Christina Brown asked what other non-profits had done.

Christine Flynn said they paid the recommended monetary donation.

Christina Brown said the motion may be more costly to the museum than a monetary contribution.

Linda Sibley asked if the museum was currently paying for the housing for the interns.

Phil Wallis said it was subsidized. Some is free.

Doug Sederholm amended his motion and it was duly seconded to condition that the museum shall secure seasonal housing for all of its summer interns annually and shall be subsidized at the level currently performed.

Linda Sibley moved and it was duly seconded to extend the meeting 15 minutes. Voice vote. In favor: 15. Opposed: 0. Abstentions: 0. The motion passed.

Michael Kim asked why the motion was needed.

Linda Sibley said the applicant is not currently legally bound to provide housing.

Doug Sederholm amended his motion and it was duly seconded that the museum shall provide a description of the current program for subsidizing the housing program with reasonable particularity. Voice vote. In favor: 5. Opposed: 3. Abstentions: 7. The motion passed.

James Joyce excused himself from the meeting.

6.3 Benefits and Detriments

Benefits

Economic Impact – The Museum employs 22 part-time and full-time staff along with an active internship program. The siting of the museum at the proposed location will have a beneficial and positive impact to both the town and the Island. The development of a major cultural and historic year-round institution will provide significant economic benefits to the town and the Island in the form of additional tax revenue, such as meals and room tax. The surrounding businesses, specifically restaurants, accommodations, transportation and retail will have a direct economic benefit from spillover customer opportunities by both visitors and residents alike. In addition, the development is in the Vineyard Haven Harbor Cultural District that highlights the town’s Arts and Culture organizations and businesses, as well as its Maritime Heritage and its long tradition in ship building. The Museum compliments the Town’s working harbor front, marina and other commercial facilities.
Wastewater and Groundwater – The museum will connect to the Town of Tisbury Centralized Wastewater Collection System. There will be no impact. A stormwater and drainage plan has been submitted, and the plans account for catchment and treatment from increased paved parking area. Overflow parking is to be kept natural, and not paved, to reduce impervious surfaces. The applicant has submitted plans that meet the MVC Water Resource Policy that calls for a design goal of handling the 25 year return storm on site.

Open Space/Community and Habitat – The museum campus is existing on the site taken up by a predominant historic building. The new buildings will not be as tall as the existing historic building, but will take up most of the remaining site. Trees, fencing and other landscaping will be planted and maintained. After completion, the property should exhibit a character similar to the hospital when it was in use.

Scenic Value – The museum is visible from the main roadways entering Tisbury, and will have great positive impact once it is fully restored. The site building currently sits in disrepair and appears lonely on the hill. Once the building is restored and improved, it will offer improved scenic values.

Character and Identity – While the long history of this site has been a hospital or summer day camp facility, for nearly the past two decades the property has sat idle, until the museum purchased the property. Repurpose of the site has removed much of the heavy vegetation that shielded the site’s buildings and activity from beyond. The site is now more similar to the virtually treeless character that existed when the hospital opened in the late 1880s.

Consistency with and the Ability to Achieve Town, Regional and State Plan Objectives – The proposal is consistent with many aspects of the state and regional plan, especially by offering cultural tourism opportunities, offering job opportunities, and being located in an area serviced by appropriate facilities, such as sewer. The project also meets reuse goals for repurposing older buildings.

Conforms to Zoning – The project is located in an R10 zone. It has been non-conforming for many years. Tisbury Zoning section 4.02.02 permits educational institutions in the R10 district.

Detriments
Traffic and Transportation – The project will have an impact on the Island as well as the Tisbury Road network. The applicant completed a traffic study, which indicated only a small impact of cars and buses. However, the proposed museum location will add traffic to already LOS F intersections: Five Corners intersection, and the intersection of Edgartown-Vineyard Haven Road with Skiff Avenue. The Lagoon Pond Road is the main access roadway to the museum, and was estimated to have 65% of the museum related traffic, with the other 35% via Skiff Avenue, according to the consultant. Lagoon Pond Road is a two-lane, 21 foot wide roadway that has a narrow bridge over Mud Creek, and supports small amounts of vehicular traffic daily. About 3,500 Average Daily Traffic on weekdays. The museum plans to bring bus and museum traffic up that street. The Five Corners intersection of Lagoon Pond Road with Beach Street, Water Street, Beach Street Ext. and Beach Road is currently over capacity during peak period, leading to congested periods. Despite the attraction generating a significant amount of pedestrian and bicycle traffic, there is no continuous sidewalk network which might be used by customers of the museum. While the applicant offers to be part of the design, they offer no funding and there is no real plan to complete such an improvement on a road that is not TIP eligible. There are no current bus routes going by the museum site, though Route 1 bus runs on Edgartown-Vineyard Haven Road roughly 3/5 of a mile from the site, and Route 13 runs along Beach Road through Five Corners approximately 2/5 of a mile from the property.

Use Efficiently or Unduly Burden Other Public Facilities – The museum will burden public facilities such as roads and sewer, but that must be balanced by the economic impact caused by the facility presence. The facility will contribute revenue to the town sewer system. The project will contribute to the road
Neutral

Night Lighting and Noise — The property has had most of the vegetation stripped during the archeological investigation. The landscaping plan has been developed in great detail and will restore much of the removed buffer, but will take time to fully mature. The applicant plans to site the HVAC/Generator system close to the edge of the property. The lighting plan is detailed and offers recessed lighting on site. There is concern that night events at the museum will spill light and noise into neighboring properties.

Impact on Abutters — The reintroduction of a significant public use to this property, that has laid idle for nearly two decades, will have significant impact on the residential neighbors in terms of light, traffic and noise. The nature of these impacts will not be of scale with similar impacts from previous public or semi-public uses of this property. The removal of much of the dense screening vegetation on all sides of the property may exacerbate some of the potential negative impacts upon abutters. The applicant proposes a robust landscaping and fencing plan. While the site may have been a quiet neighbor for many years, its blighted condition was not a positive influence upon abutting properties.

Low and Moderate Income Housing — The museum has proposed to provide seasonal workforce housing for summer interns which range from 5-25 intern positions annually for the life of the project instead of a one-time monetary mitigation in the amount of $32,055. The museum could also offer community benefits to low and moderate income residents, including students and the elderly, by providing discounts to exhibits, classes or other events.


7. M.V. ARENA-OAK BLUFFS DRI 49-M5 WRITTEN DECISION

Leonard Jason, James Joyce and Josh Goldstein excused themselves from the meeting.


8. TRANSPORTATION IMPROVEMENT PROGRAM TIP FOR FFY 2018-2022 AND UNIFIED PLANNING WORK PROGRAM FOR FFY 2018


Linda Sibley moved and it was duly seconded to approve the TIP and UPW programs. Voice vote. In favor: 13. Opposed: 0. Abstentions: 0. The motion passed.

Christina Brown thanked Priscilla Leclerc for sending the transportation material in advance so the Commissioners could review and be able to approve the programs quickly.
9. NEW BUSINESS


9.1 Executive Director's Report

Adam Turner said the May 11, 2017 MVC meeting on the MV Athletic Field has been postponed. The parties are working together to find a unified solution for all grass fields. He complimented both sides for coming up with a plan. The next MVC meeting will be on May 18, 2017.

The meeting was adjourned at 10:30 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Martha's Vineyard Commission Land Use Planning Committee Notes of the Meeting of April 24, 2017 - Red Gate Only
- Martha's Vineyard Commission DRI # 589-M Red Gate Farm Lot Line Change MVC Staff Report - 2017-04-26
- DRI 589-M Red Gate Farm Lot Line Changes Plan
- Red Gate Farm Wetlands Plan
- Red Gate Farm before Estate Plan - 36 Lots Plan
- DRI 589 Red Gate Farm Approved Estate Plan
- DRI 589 Red Gate Farm Proposed Lot Line Adjustments – Adjustments 1, 2, 3 and 4
- Town of Edgartown The Planning Board Special Permit Application, New Cingular Wireless PCS, LLC
- Decision of the Martha's Vineyard Commission DRI 662 – Chappy Temporary Wireless Tower
- Draft - Modification to a Decision of the Martha's Vineyard Commission DRI 49-M5 – MV Arena
- Martha's Vineyard Transportation Improvement Program (TIP) FFY 2018-2022, TIP programming Overview, Dated April 26, 2017
- Budget Summary by Task, Draft UPWP FFY 2018
- Martha's Vineyard Commission DRI # 618-M2 Medical Marijuana Dispensary MVC Staff Report 2017-05-04
- Letter to MV Commission from Jim Eddy & Geoff Rose, Dated May 2, 2017, RE: Affordable Housing
- Town of West Tisbury Building and Zoning Inspector letter to Nancy m. Cole, Chairman West Tisbury Zoning Board of Appeals, Dated April 26, 2017
- DRI 618-M2 Medical Marijuana Dispensary on Dr. Fisher Road Correspondence List May 4, 2017
- M.V. Museum at Marine Hospital DRI 665 Documents: Notes from the Land Use Planning Committee April 24, 2017, Final Offers, Possible Conditions, Facts: Benefits and Detriments
- Email to MV Commission, Dated April 19, 2017 from Jim Richardson, Subject: Letter for May 6 review of the Martha's Vineyard Museum Project.

[Signatures]

Chairman

Date: Sept. 7, 2017

Clerk-Treasurer

Date: Sept. 7, 2017