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Minutes of the Commission Meeting Held on June 1, 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)	- Michael Kim (A-Governor)
P Tripp Barnes (E-Tisbury)	P Joan Malkin (A-Chilmark)
P Christina Brown (E-Edgartown)	P Katherine Newman (A-Aquinnah)
- Peter Connell (A-Governor; non-voting)	P Ben Robinson (A-Tisbury)
P Robert Doyle (E-Chilmark)	- Doug Sederholm (E-West Tisbury)
- Josh Goldstein (E-Tisbury)	P Linda Sibley (E-West Tisbury)
P Fred Hancock (E-Oak Bluffs)	P Ernie Thomas (A-West Tisbury)
P Leonard Jason (A-County)	P Richard Toole (E-Oak Bluffs)
P James Joyce (A-Edgartown)	P James Vercruysse (e-Aquinnah)

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

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

1. MEDICAL MARIJUANA-WEST TISBURY DRI 618-M2 CONTINUED PUBLIC AHEARING

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

For the Applicant: Geoff Rose, Jim Eddy

James Vercruysse, Chairman, said he has rehabilitated himself to be able to participate in the continued public hearing. He has watched the video and has submitted a signed affidavit.

Linda Sibley, Public Hearing Officer, opened the Public Hearing that was continued from May 18, 2017, noting that there have been some substantial changes to the project.

1.1 Staff Report

Paul Foley presented the following:

- The packet of information contains the staff report, offers, revised applicant narrative, additional letters/correspondence, and revised plans.
- On Friday May 26, 2017, the applicant informed the MVC in writing that they were revising their proposal to remove the dispensary part of the Application.
- The MVC does not have information about the possible future location of the dispensary.
- The revised proposed physical modifications are for a smaller footprint of 60 ft by 60 ft (3,600 sf) with a full second floor. Big Sky Tents would share the first floor with 1,800 sf of storage area. Patient Centric would occupy 1,800 sf of the first floor with their office, laboratory and storage. Patient Centric would occupy 3,600 sf of the second floor with limited access to the Flower Room (736 sf), the Vegetation Room (134 sf), the Mother Room (97 sf), the Clone Room (20 sf),

the Trim Room (294 sf), the packaging room (192 sf), the Cure Room (294 sf) and office space and storage. The building would have a total of 7,200 gsf.

- The proposed site plan and the revised site plan were reviewed.
- The proposed floor plans and the revised floor plans were reviewed.
- Key issues include:
 - What happens if the MVC approves a plan and the Department of Public Health (DPH) Regulations requires changes to the plan? Any significant changes would have to return to the MVC for Modification Review.
 - The revised site plan shows a smaller building and parking area with buffers along the road. What happens in the large area bordering Bizarro that the site plan does not indicate use or plantings?
- Lighting has been revised to just bollards with no pole lights.
- The property is currently approved for a nitrogen load of 3.8 kg/yr.
- The flow for the RMD project was estimated to yield a nitrogen load of 6.38 kg/yr. The nitrogen load for the RMD project with composting toilets was estimated to be 3.19 kg/yr. The nitrogen load for the revised project has not been calculated, but would be less than the previous proposal.
- Traffic: the revised cultivation-only proposal should not adversely impact the road.
- The revised cultivation-only proposal is estimated to generate a total of approximately 50 daily trips. The applicant's trip generation is estimated to be 33-38 daily trips, which are comparable to the prior Big Sky Tents DRI approval.
- The revised plan shows 10 parking spaces on the property. The approved plan had 16.

Linda Sibley said the building is smaller and has no retail use.

Gail Barmakian asked if there was a plan for the transportation of the product to the dispensary.

1.2 Applicants' Presentation

Geoff Rose presented the following:

- It is important to note that from his perspective, he has listened to the MVC, the neighbors and others.
- He thought it was in the best interest of the patients and the neighbors to modify the proposal.
- The number of full time employees at the end of three years has been reduced.
- The hours of operation would be from 8:30 a.m. to 5:00 p.m. Monday to Friday, but it is noted as operating hours at 9:00 a.m., because the project requires the transportation of the product to the dispensary, which would be done from 8:30 a.m. to 9:00 a.m., and that requires two dispensary agents.
- The proposal is compliant with DPH.
- The applicants have met informally with Chief Rossi and the other Towns, and everyone seems pleased that the proposal is compliant.
- As safety features for the employees, bollard lights have been included in the parking area, although they are no longer required.
- The generator and HVAC would be located on the north side of the building.
- The 1,500 gallon wastewater tank would be emptied a minimum of once per month by a certified company.
- The site plans, floor plans and security plans will go through the site review process.
- He respectfully asked the MVC to approve the change of use.

1.3 Commissioners' Questions

Linda Sibley said the change of use was now from the original Big Sky Tent building to this revised proposal of a cultivation area shared with Big Sky Tents.

Katherine Newman asked if the dispensary would be a separate issue, and if it would trigger a referral.

Adam Turner said it would depend on the size. **Geoff Rose** said the MVC chose to send it back to the Town.

There was a discussion about the exterior board and batten.

- **Fred Hancock** asked about the board and batten for the exterior; it was previously stated that it would be the full height, and not panels, but the cut sheet shows nine ft high panels. He wanted to know what the proposal was to be sure what was proposed is what would be built.
- **Jim Eddy** said it would be what is available. He was not sure it comes as high as the building, and was not sure what is commercially available.
- **Leonard Jason** said it comes in metal or wood, and asked which material would be used and what it would be sheathed with.
- **Jim Eddy** said it would be wood, and attached to the building with 2 x 4s. It would be left natural to weather.

There was a discussion about the separation of the dispensary from the cultivation area.

- **Christina Brown** said in terms of sequence, the applicants are asking for approval for the grow building but there is no application for the dispensary. What is the timeline, and would there be cultivation before a dispensary has been planned.
- **Geoff Rose** said he has a license for both cultivating and dispensing. He has chosen to separate the two. As a practical matter, both would be done at the same time.
- **Linda Sibley** said she did not think the applicant would grow something before he had a place to sell it, since he can't transport the product over Federal waters.
- **Geoff Rose** said his license requires him to cultivate and dispense on the Island and they cannot be separated.

Joan Malkin asked if there would be a commercial kitchen. **Geoff Rose** said there was a marijuana product infusion room, but not a commercial kitchen.

Joan Malkin asked if the property owner was part of the Road Association. **Jim Eddy** said he was.

Joan Malkin asked what plans are for the extra space that is due south of the building, and what the plans are for further clearing of the land. **Jim Eddy** said the area was cleared for construction outside of the parking lot, and where the septic is would be grass lawn and the buffer would be retained there.

Joan Malkin asked if the applicant was coming back with a landscape plan. **Geoff Rose** said they were.

There was a discussion about the driveway access.

- **Fred Hancock** asked where the easement to the Bizarro property was, and if it would make sense to have one driveway, rather than two parallel access driveways. He showed the location on the site plan.
- **Jim Eddy** asked if the suggestion was to change the access to the 12 foot easement off Dr. Fisher Road.
- **Fred Hancock** said yes, it might be easier to have it together. It was something to think about with the landscape plan.
- **Geoff Rose** said the idea was to keep the driveways and parking spaces shielded from the building.

Linda Sibley asked for clarification that there would not be any transportation of the product on the weekends. **Geoff Rose** said on Sundays between 12:00 p.m. and 3:00 p.m., there would be cultivation personnel on site to check on the plants.

There was a discussion about a grant program.

- **James Vercruysse** said at the first meeting, the applicant talked about a grant program, and he noted that he did not see that included in the offers.
- **Geoff Rose** said it was to be determined based on the net profits of the organization. It was part of the operating philosophy.
- **Linda Sibley** clarified that since the applicants are not specific about the program, they are not including it.
- **Geoff Rose** said that was correct.

1.4 Testimony from Public Officials

Nancy Cole, Chairman of the West Tisbury Zoning Board of Appeals, stated when the ZBA heard about the separation of the dispensary from the cultivation area, it was presumed that would reduce traffic and was thought to be a much better idea. The main concern was traffic, and this was a much better plan.

Linda Sibley, Public Hearing Officer, noted that the MVC will be looking at communication received and there did not appear to be a lot of communication about this change, so we will be keeping the public hearing open for purposes of accepting written testimony.

1.5 Public Testimony

Chris Egan said the lab was still part of this proposal, and asked how it was independent if it was part of the building with the same employees. He thought it would have its own entrance and not part of the inner workings of the building.

- **Geoff Rose** said they are required by their license to have an independent lab on-site.
- **Linda Sibley** asked what independent means.
- **Geoff Rose** said it cannot be owned and operated by the RMD. Anybody who operates in the lab has to be an agent and must go through background checks just like the employees.

1.6 Commissioners' Discussion

Linda Sibley, Public Hearing Officer, said because this change was not well publicized before tonight she will continue the public hearing to June 15, 2017 with the expectation that there will be no oral testimony unless something unusual comes up. It is anticipated that the written record will be closed on June 15, 2017.

Geoff Rose asked what the next step of the process was. **Adam Turner** said the project will go to the LUPC, receive a recommendation from the LUPC, and then the full Commission deliberates.

Joan Malkin asked if the applicant was under time pressure to meet a third party deadline. **Geoff Rose** asked if the hearing was closed on June 15, 2017, could we hope to be at the LUPC the following Monday with perhaps deliberation on June 22, 2017. **Linda Sibley** said the MVC strives to do everything as quickly as possible, but we need to have the information available to the public and they currently are not necessarily aware of the changes.

Linda Sibley, Public Hearing Officer, continued the public hearing to June 15, 2017.

Leonard Jason said he would like confirmation of the total square footage for the cultivation area. **Paul Foley** said the applicant has been to the Building Inspector and he will clarify with him.

2. WESTMAN HISTORIC EMOLITION-TISBURY DRI 675 DELIBERATION AND DECISION

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

2.1 Land Use Planning Committee Report

Linda Sibley said the LUPC voted unanimously to recommend approval of the demolition on the condition that the replacement building is to be as presented and the applicant offers to do what the Historical Commission has asked for. The applicants should have leeway to do the dormers and work that out with the Historic District. There was one member that disagreed with the poly vinyl chloride trim.

Ben Robinson said the Historical Commission does not allow Azek in the Historic District. The demolition is being allowed under the impression to build with a historical look, and with that, we should require materials that are environmentally sound. For LEEDS certification, PVC is not allowable for credits.

Joan Malkin asked why he advises not to use the PVC trim. **Ben Robinson** said it contains dioxins and when released to the air, it is carcinogenic and is released most readily by fire. It can also leach into the environment. From the manufacturing process to the disposable process, it is detrimental to the environment.

James Vercruysse asked if the Commissioners agreed with the conditions of the Historical Commission.

Paul Foley said the applicant revised the plans based on the recommendations of the Historical Commission. The dormer on the Franklin Street to Center Street side was modified, and it is much smaller.

Fred Hancock said whether the Historical Commission approved or not is immaterial to the MVC. The LUPC felt that the applicant bent over backwards to the Historical Commission. It really is not useable space with the revised dormer. It seemed we should give the applicant the permission to go with either dormer.

Linda Sibley added that the LUPC felt the applicant could use either dormer.

Leonard Jason said the Town has asked for help with this project. Do we feel we have an obligation to help? **Fred Hancock** said the William Street Historic District has asked for the help, not the Town.

James Vercruysse said the LUPC moved to approve the project according to the revised plans and conditions listed in the Historic District letter.

Adam Turner said the motion was either option A or B with regards to the dormer. For the conditions, all except condition 5 would apply.

Gail Barmakian said it was said that the applicant will comply with the William Street Historic Commission so do they need to go back to the Tisbury Historical Commission for the dormer. **Linda Sibley** said no the applicant did that already.

Fred Hancock moved and it was duly seconded to approve the demolition and replacement of the building that the MVC has the plans for with the conditions from the William Street Historic Commission as offered, except condition 5 and the MVC would allow the applicant to use either of the two dormer plans that were presented.

2.2 Benefits and Detriments

Benefits

The LUPC thought that the overall project was a benefit, because the new house would be in keeping with the original style and replace the historic but dilapidated building.

Scenic Values: With respect to scenic values, the LUPC found that the proposal would be a benefit because the proposed building would be an improvement over the dilapidated structure, and that the design of the building was in keeping with the historic building and neighborhood.

Character and Identity: With respect to character and identity, the LUPC noted that it was a shame that the building was left to rack and ruin. However, it found that the project was a benefit because the replacement retains character.

Impact on Abutters: With respect to impact on abutters, the LUPC found that the proposal was a benefit.

Impact on Services and Burden on Taxpayers: With respect to impact on services and burden on taxpayers, the LUPC found that the proposal was a benefit, because it would generate increased property tax for the town.

Is Essential in View of the Alternatives: With respect to whether the project is essential in view of the alternatives, the LUPC found that it was.

Neutral

Wastewater and Groundwater: With respect to wastewater and groundwater, the LUPC found the project to be neutral.

Noise: With respect to noise, the LUPC found that the proposal to be neutral.

Traffic and Transportation: With respect to traffic and transportation, the LUPC found that the proposal to be neutral.

Affordable Housing: With respect to housing, the LUPC found that the proposal has no impact.

Conforms to Zoning and DCPC Regulations: With respect to zoning, the LUPC noted that the Building Inspector stated at the Public Hearing that though there is some case law that supports the notion that willful demolition may constitute an abandonment of pre-existing non-conforming setbacks, it has been the practice in town to allow reconstruction on pre-existing non-conforming footprints through a Special Permit from the Zoning Board of Appeals.

Not Applicable

Opens Space, Natural Community and Habitat: With respect to open space, the LUPC found that the proposal is not applicable.

Night Lighting: With respect to night lighting, the LUPC found that the proposal is not applicable. The LUPC recommended that the MVC typical language on lighting be applied to this project as a condition.

- **Linda Sibley** said the criteria is not applicable to the proposal.
- **James Vercruysse** said the building would now be lit up, so it might be applicable.
- **Linda Sibley** asked when the house was last lived in.
- **Trip Barnes** said two to three years ago.

2.3 Commissioners' Discussion

Linda Sibley said that Ben Robinson has persuaded her that the Azek trim is a bad thing, but the MVC is not in a position to do anything.

There was a discussion about amending the motion.

- **Gail Barmakian** asked Fred Hancock to amend his motion to revise the language regarding the use of Azek trim.
- **Fred Hancock** declined.
- **Joan Malkin** asked about procedure if the motion maker would not amend the motion.

- **Adam Turner** said if he allowed it, the process would be that the MVC would vote on the amended motion.
- **Fred Hancock** said the revision can be a separate motion.

Gail Barmakian moved and it was duly seconded to require wood trim instead of PVC.

- **Joan Malkin** said she felt making a decision because of environmental issues is something the MVC needs to think more about, and should look at what building materials are appropriate. It is punitive and would be a bad idea when information isn't available.
- **Gail Barmakian** said PVC material is a good material, but wood is more appropriate to the nature of a historic building, and perhaps it is less costly.
- **Richard Toole** said wood is historic, but wood used 100 years ago is different than what is used today. Wood requires paint almost every two years, so how does that affect the environment. Maybe the trim should be painted white cedar.
- **Linda Sibley** said this was not raised when the public record was open. The MVC does specify materials, but it was not done during the public hearing process.
- **Fred Hancock** said maintenance is a huge issue. When natural wood is not kept up with paint, houses deteriorate. Both sides of the wood need to be primed. It was not fair to this applicant to throw a curve ball when he has bent over backwards and is building something in keeping with the neighborhood.
- **Ben Robinson** said using PVC is not about maintenance, it is about the environment. It was hard to approve a material when it destroys our environment.
- **Trip Barnes** said the MVC will likely be looking at a lot of these types of projects and Fred Hancock is right. The applicant went through the ringer. If the MVC is going to start looking at PVC trim, then the piping needs to be examined also.
- **Leonard Jason** said we are writing history. The applicant came to the MVC to knock the building down because he bought it without looking at the joists. If he wants to restore he should.
- **Ben Robinson** said the applicant did all the preliminary work without a permit. The use of PVC is not just to make things look nice, it affects the environment.
- **James Vercruysse**, Chairman, said a yes vote would be in favor of the amendment to use wood trim.

Voice vote. In favor: 7. Opposed: 4. Abstentions: 3. The motion passed.

Fred Hancock moved and it was duly seconded to amend his motion to add the new condition to use wood trim. Roll call vote. In favor: G. Barmakian, T. Barnes, R. Doyle, F. Hancock, J. Malkin, L. Sibley, E. Thomas, R. Toole. Opposed: L. Jason, B. Robinson. Abstentions: C. Brown, K. Newman. The motion passed.

3. DAMROTH SUBDIVISION-CHILAMRK DRI 672 WRITTEN DECISION

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

Bill Veno noted that the highlighted areas are the plans and factual detail that will be entered.

Bill Veno noted that the language needs to be corrected on line 96 as follows; "The proposal is to divide off one buildable lot from two existing buildable lots..."

Bill Veno noted a typo on line 277 the word "not" should be "note."

There was a discussion about the proposed modification on lines 279 to 283.

- **Linda Sibley** asked for clarification of the modification.

- **Bill Veno** read the proposed modification and said he was suggesting a modification to what was approved as a trigger for the trail easement.
- **Gail Barmakian** suggested language; the trail easement should be created prior to any building lot being sold.
- **Fred Hancock** said the applicant was not selling all of the lots.

Ben Robinson moved and it was duly seconded to change the language for 3.4 as it does not change the intent.

- **Linda Sibley** objected to the placement of the language for the youth lot. The youth lot should be at the end.
- **Leonard Jason** suggested to change the language to any building lot with the exception of the youth lot.
- **Linda Sibley** said that is what we are doing.

Voice Vote. In favor: 11. Opposed: 0. Abstentions: 3. The motion passed.

Fred Hancock moved and it was duly seconded to approve the Written Decision as corrected. Roll call vote. In favor: G. Barmakian, T. Barnes, R. Doyle, F. Hancock, L. Jason, B. Robinson, L. Sibley, E. Thomas, R. Toole. Opposed: none. Abstentions: none. The motion passed.

4. VINEYARD HOUSE-TISBURY DRI 583-M3 MODIFICATION REVIEW

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

4.2 Staff Report

Paul Foley presented the following:

- The modification was just received by the MVC and the agent is out of town.
- The site photo was reviewed.
- The applicant was to be on septic with denitrification and they bought two acres from Goodale pit.
- The project has now been approved to be hooked up to the sewer and therefore they do not need the two acres for the nitrogen load.
- The applicant wants to sell the two acres back to Goodale.

Linda Sibley moved and it was duly seconded that the modification was not significant enough of a change requiring a public hearing.

- **Joan Malkin** asked if the sewer was a sure thing.
- **Linda Sibley** said yes, it is done.
- **James Vercruysse** asked if the MVC would be receiving a plan.
- **Adam Turner** thought the MVC should wait to receive the plan before approving the modification.
- **Linda Sibley** withdrew her motion.

5. SANTANDER ROOF TILE-TISBURY DRI 674 CLOSE OF WRITTEN RECORD

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

Linda Sibley, Public Hearing Officer, said the MVC conducted a site visit and looked at the roof. The Commission has received a good deal of written correspondence about the roof and nothing in the written correspondence has substantially changed anything.

5.1 Staff Report

Paul Foley presented the following:

- The MVC Staff Report for 2017-06-01 was included in the Commissioner's packets, and the new information was printed in bold type: the roof cost comparison over time, roof estimates for clay tiles by CP Rankin Inc., asphalt roof cost indicated on the Building Permit Application and additional correspondence.
- The additional correspondence asked the MVC to do what they could to restore the historic clay tiles.
- The roof estimates from CP Rankin note two types. The material warranty on the clay tile is 75 years and the asphalt is 25 years.
- CP Rankin has noted that the barrel type tiles are the closest to what was on the building.

Ben Robinson asked Paul Foley to expand on his conversation with CP Rankin.

- CP Rankin installs roofing for Santander properties and they did recommend to Santander that historic issues might be involved, but Santander went with the asphalt roof because they based the decision on price per square foot.

5.2 Commissioners' Discussion

There was a discussion about offers and communication received from Santander Bank.

- **Katherine Newman** asked if the MVC received any offers or communication from Santander Bank.
- **Linda Sibley** said no.
- **Paul Foley** said that Sean Murphy submitted the roof cost estimates.
- **Adam Turner** said the MVC did not receive any offers or proposals.
- **Leonard Jason** said the Commission gave the applicant ample opportunity to make an offer. He suggested that the MVC move to put back the tiles.

Linda Sibley, Public Hearing Officer, closed the public hearing and the record.

Christina Brown moved and it was duly seconded to bypass the LUPC and go directly to Deliberation and Decision.

- **Gail Barmakian** asked if that was a violation of the open meeting law.
- **Adam Turner** said it was not.

Voice vote. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.

5.3 Deliberation and Decision

James Vercruysse said at the site visit, the roof from the top of another building was viewed and the structure seems to be in decent shape.

Katherine Newman asked if the MVC could deliberate and decide without the applicant present. **Adam Turner** said this is the deliberation, and the applicant had an opportunity to make an offer.

Trip Barnes said that the drive-in part of the buildings has been there since 1973.

Christina Brown said there are two different types of red clay tiles and asked which one the bank took off. **Paul Foley** said that CP Rankin said it was closer to the barrel tiles.

Linda Sibley moved and it was duly seconded to require Santander Bank to restore the historic tiles of the bank and come to the MVC with the specifics of the tiles to be used.

- **Fred Hancock** thought the MVC needs to approve the roofing of the bank roof with the appropriate tile.
- **James Vercruysse** asked if the MVC should set a time frame.

- **Fred Hancock** said the proposal is to replace the roof, but we are saying the condition is to replace with tile and not asphalt.

Linda Sibley amended her motion and it was duly seconded to approve the re-roofing of the Santander Bank with the condition it be done with tile, and the bank has to come back to the MVC with a specific proposal of the type of tile.

- **Gail Barmakian** said she would rather have a specific tile.
- **Paul Foley** has spoken with a consultant and he suggested having the specific tile presented.
- **Joan Malkin** asked if Linda Sibley would like to add a date to her motion.
- **Christina Brown** said the bank already re-roofed, so do we revise the language.
- **Joan Malkin** said despite the fact that the bank has already re-roofed, we do not approve what they re-roofed with, and that they need to return with the specific roof material.
- **Linda Sibley** said the attorneys can be consulted for the most appropriate language.
- **Robert Doyle** said we want it stated that the bank is to remove what they roofed with and replace it with a specific date noted.
- **Ernie Thomas** said he had an issue with asking them to remove the asphalt.
- **Linda Sibley** said that was not part of her motion.
- **Ben Robinson** said the bank should remove the asphalt, and it was improperly installed. What is the punitive penalty if they don't meet the specified date?
- **James Vercruysse** said the Building Inspector can sue them.
- **Joan Malkin** said the bank should come back to the LUPC with appropriate materials by a specific date and one year after the LUPC ruling to complete the new roof.
- **Linda Sibley** said we should get counsel to help us with this.

Linda Sibley amended her motion and it was duly seconded to add that Santander Bank comes back to the MVC with a specific tile within two months and a construction plan to the full Commission and the roofing to be completed within six months.

- **Trip Barnes** said the bank will sue the MVC and the Town of Tisbury.
- **Adam Turner** reiterated the motion; requiring the applicant to replace the existing roof with appropriate historical red clay tile that was previously there within two months and six months to complete.

5.4 Benefits and Detriments

James Vercruysse, Chairman, noted that most of the criteria are not applicable to this project.

Benefits

Scenic Values.

- **Robert Doyle** said if the bank meets the MVC conditions, it is a benefit.
- **Fred Hancock** said unlike their present roofing, it would be a benefit.

Character and Identity.

- **Fred Hancock** said what the MVC is conditioning is appropriate and it applies to Character and Identity, and would be a benefit.
- **Adam Turner** said restoring the red clay tile roof preserves the character and identity of the streetscape and extends the life of the building.

Impact on Abutters.

- **Fred Hancock** said it is a benefit to the abutters to replace the roof with historic tile.
- **Ben Robinson** said it is a benefit to replace the roof with historic tile with regards to longevity.
- **James Vercruysse** said if the building is restored to the original clay roof, it is a benefit.

Detriments

Fred Hancock said the current asphalt is a detriment to the scenic value and character and identity.

James Vercruysse said if the bank leaves the roof as is, it is a detriment.

Neutral

Wastewater and Groundwater are neutral.

Joan Malkin said if the applicant follows the MVC condition, it would be neutral as they have restored what was there.

Not Applicable

Open Space and Habitat are not applicable.

Night Lighting and Noise are not applicable.

Traffic and Transportation are not applicable.

Low and Moderate Income Housing are not applicable.

Impact on Services and Burden on Taxpayers is not applicable.

Conformance to Zoning is not applicable.

Christina Brown said it was important to note in the Summary of Key Findings a statement regarding the replacement with historic red clay tile is appropriate in view of the alternatives.

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

Adam Turner said the MVC will develop a written decision and he asked that the Commissioners review it carefully.

Joan Malkin said this came to the MVC as a Concurrence Review under unusual circumstances and it should also be noted that it should have come to us as a Mandatory Review, as it replaced 25% of the exterior of a historic building. The Concurrence Review is awkward, but it is crystal clear to her that the MVC has jurisdiction as a Mandatory Review.

Katherine Newman said she had been gone for a couple of days and did not know about the site visit that was done today and asked if that could be better communicated in the future. **Adam Turner** said it was on the MVC calendar, but it will also be emailed in the future.

6. NEW BUSINESS

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

6.1 Executive Director Report

Adam Turner presented the following:

- The State is passing some bills regarding Airbnb, and with this there are a lot of issues for the Towns to look at. A lot of the houses will need to be registered, approximately 60-70% of the Island's housing stock, and there are a ton of different opinions on how to do it. There is a public hearing in Barnstable on June 12, 2017.
 - **Linda Sibley** asked how the State is defining Airbnb.
 - **Adam Turner** said there are four different ways and that the Towns have to accept.

- **Gail Barmakian** said 5% of the baseline goes to the State and the town has an option to add another 1% for a total of 6%.
- He has written a letter to Angie Grant of the VTA for a \$500,000 grant from the Federal government for the VTA electric bus program and the underground system for that program.
- There will be MVC meetings on June 15, 2017 and June 22, 2017.
- There is a meeting on Cape Cod for the One Cape Water Quality/Housing on June 22, 2017 and June 23, 2017. If anyone wants to attend, please contact him.
- We are in the final process of developing an EPA grant for Lagoon Pond and potentially a site in Tisbury as well for permeable reactive barriers.
- We have received appreciation from the Featherstone Center for the Arts on the approval of their project.
- We are testing the Chilmark Pond and the Tisbury Great Pond for nitrogen.

Linda Sibley said she was awfully happy that everyone is happy about the sports fields and how they came together for a resolution. Are the lights still necessary? **Adam Turner** said lights and bleachers require a Concurrence Review, and they are aware of that.


The meeting was adjourned at 8:55 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Martha's Vineyard Commission DRI # 618-M2 Medical Marijuana Cultivation MVC Staff Report 2017-06-01
- DRI # 618-M2 Medical Marijuana Offers
- Narrative Summary of Proposed Change of Use of DRI 618-M Big Sky Tents Building (Modified 05-26-17)
- Email from Constance Breese, Dated June 1, 2017 Subject: DRI Marijuana cultivation building
- Medical Marijuana DRI 618-M2 Revised Elevations, Floor Plans and Site Plan
- Decision of the Martha's Vineyard Commission DRI 672- Damroth Subdivision
- DRI 674 – Santander Bank Historic Tiles, Additional Information and Correspondence List submitted after the Public Hearing on May 18, 2017
- Martha's Vineyard Commission DRI 674- Santander Historic Roof Tiles MVC Staff Report 2017-06-01
- DRI 674 Santander Bank Roof Cost Comparison
- Correspondence from CP Rankin Inc., Dated October 12, 2016, RE: PRJ# 4948 Santander #0414 Main Street Vineyard Haven, MA 02568
- Tisbury MA, Building Permit Application, Santander USA
- Martha's Vineyard Commission Land use Planning Committee Notes of the Meeting of May 22, 2017
- Letter from Tisbury Historical Commission, Dated May 12, 2017, Re: William Westman agent for Cees van Eijk – request for demolition of a home located at 29 Franklin Street, Vineyard Haven, MA
- Revised Second Floor Plan and Elevations Van Eijk & Westman Residence 29 Franklin Street Vineyard Haven, MA , Dated 5/22/2017


Chairman

3.15.18
Date


Clerk-Treasurer

15. MAR - 2018
Date