Minutes of the Commission Meeting
Held on June 22, 2017
In the Stone Building
33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

Commissioners: (P= Present; A= Appointed; E= Elected)
- Gail Barmakian (A-Oak Bluffs) P 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) P Doug Sederholm (E-West Tisbury)
  P 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) - 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), Jo-Ann Taylor (Coastal Planner, DCPC Coordinator).

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

1. DCPC COASTAL DISTRICT-CHILMARK PUBLIC HEARING AND VOTE ON CONFORMANCE OF PROPOSED AMENDMENTS TO REGULATIONS


For the Applicant: Jim Malkin, Ronald Rappaport

James Vercruysse, Chairman and Public Hearing Officer opened the continued Public Hearing.

Adam Turner said this hearing concerns the bylaw amendment that was passed at the April 2017 Town Meeting. The Commission needs to determine if the amendment conforms with the MVC Goals and Guidelines.

1.1 Staff Report

Jo-Ann Taylor presented the following.
- The purpose of the hearing is to determine whether certain amendments to the Chilmark Zoning Bylaws are in conformance with the Goals and Guidelines specified in the Commission’s Designation Decision for the Coastal District.
- Bylaw amendments to the Chilmark Coastal District regulations were presented to a Special Town Meeting in April 2017 and were approved by the requisite two thirds majority of voters. They also need to be approved by the Commission.
- What is being proposed to be done is a reconstruction and/or relocation of a roadway in connection with a project which has a public benefit. If approved by a two thirds majority at a
Town Meeting and is a permitted use, is exempt from the roadway width restriction and is not subject to any other review.

- A road may accommodate pedestrian access provided that the vehicular access does not exceed the existing 10 foot maximum width and the entire width does not exceed 15 feet. The town is not asking for a Special Permit only relief to the 10 foot width for pedestrian use.
- The record consists of the staff notes, the record from the Town meeting vote, full text of the proposed amendment, full text of the Chilmark regulations, an illustration of the area, full text of the Goals and Guidelines for the Coastal District and a letter in favor from Ropes & Gray representing Squibnocket Farm, Inc.
- The proposed amendments would replace site plan review and special permit granting authority (ZBA) review for projects providing a public benefit with approval by Town Meeting (requiring a two third majority vote).
- Site plan review is not prohibited by the proposed amendments it could still occur but would specifically not be required. Projects presented to Town Meeting for approval would still be subject to the usual Site Review and permit granting authority's review.
- The proposed amendments would replace site plan review and special permit granting authority (ZBA) review for projects providing a public benefit with approval by Town Meeting (requiring a two third majority vote). Site plan review is not prohibited by the proposed amendments it could still occur but would specifically not be required. Projects presented to Town Meeting for approval would still be subject to the usual Site Review and permit granting authority's review.
- The amendment is to allow the reconstruction and/or relocation of a roadway in connection with a project which has a public benefit and if approved by a two thirds majority at a Town Meeting is exempt from the roadway width restriction and is not subject to any other review.
- We are asking that the Commission finds the amendment in conformance with the Coastal District Goals and Guidelines.
- When you look at a project to be in compliance with the DCPC we feel this is and so do the residents of the Town.

1.2 Applicants' Presentation

Jim Malkin presented the following.
- He is a member of the Chilmark Board of Selectmen and was the Chairman for the Town committee on Squibnocket.
- The committee was formed to determine what was needed to be done for the residents of the Town, to provide beach access and utility access and provide access with a lifespan that would exceed ten years. We moved forward with the recommendation from the Town.
- We want to request a change to the Town Bylaw to have a good process going forward.
- The Commission approved the Squibnocket Farm Access Causeway project DRI 338-M2.

Ronald Rappaport presented the following.
- He agrees with the MVC staff notes, Jo-Ann Taylor’s presentation and what Jim Malkin has said.
- Relocated roadways and causeways can be permitted and is a practice that has been done in the town. The amendment codifies the existing practice.
- A road may accommodate pedestrian access provided that the vehicular access does not exceed the existing 10 foot maximum width and the entire width does not exceed 15 feet.
- The amendment is to allow the reconstruction and/or relocation of a roadway in connection with a project which has a public benefit and if approved by a two thirds majority at a Town Meeting is exempt from the roadway width restriction and is not subject to any other review.
- We are asking that the Commission finds the amendment in conformance with the Coastal District Goals and Guidelines.
- When you look at a project to be in compliance with the DCPC we feel this is and so do the residents of the Town.

1.3 Commissioners' Questions

Doug Sederholm asked if Ronald Rappaport would agree with the statement in the Ropes and Gray letter that the MVC has already approved this and meets what the Town has done. Ronald Rappaport felt he could not comment with regards to the letter but the amendment meets the DCPC.
Christina Brown asked if this would apply only to existing roadways in the wetlands in the District and how many roads would be affected. Ronald Rappaport said there are 1,500 acres in the Town overlay district area. In the MVC decision the Commission found that what is being proposed is a managed retreat response and the amendment codifies that.

Ben Robinson asked for more information with regards to the ten year life span. Jim Malkin said the committee recommended the construction of a low causeway and something that would last 30 years.

Ben Robinson asked for a description of a low causeway. Jim Malkin said that is to be determined by the engineers but it is something that would permit several wash overs per year. We are codifying a process and the Town has been doing this with bridges and causeways in our town for 40 years. The Town decided they would like to have an independent committee make a recommendation to the Town.

James Vercruysse, Chairman and Public Hearing Officer closed the public hearing.

Doug Sederholm moved and it was duly seconded that the proposed amendment is in conformance with the Goals and Guidelines of the Coastal District.

- Fred Hancock said in many cases this is slightly more restrictive than the previous regulations with having two thirds vote at Town Meeting. So it is more restrictive.


2. MEDICAL MARIJUANA—WEST TISBURY DRI 618-M2 DELIBERATION AND DECISION


For the Applicant: Geoff Rose, Jim Eddy


2.1 Staff Report

Paul Foley presented the following.

- The report includes post Public Hearing LUPC notes, the applicant’s offers, and post Public Hearing correspondence.
- Correspondence was received from Constance Breese asking if the processing facility and/or lab would be utilized by other growers. Elaine Barse is still concerned about the lighting. State requirements and future retail licensing.
- LUPC discussed the offers and the Benefits and Detriments.
- Anything that the MVC approved for Big Sky Tents folds over since it is in the offers.
- At LUPC the offers for lighting showed six bollards.
- The offers include the following:
  - Due to the sensitivity of the abutting residential neighborhood the hours of operation for the proposed RMD shall be limited to Monday through Friday from 8:30 a.m. to 5:00 p.m. and Saturday/Sunday from 12:00 p.m. to 3:00 p.m. for cultivation personnel.
  - The tent rental business shall not clean dishes, tents or other rental equipment on this property and the property shall be restricted from any outdoor hanging or drying of tents.
2.2 Land Use Planning Committee Report

Linda Sibley, LUPC Chairman said the offers are extensive and inclusive. LUPC did overlook the carryover of the operation of Big Sky Tent and that needs to be clearly worded. We need to make it very clear that we are approving two users Big Sky Tent and Medical Marijuana and that it includes the old offers as well as the new offers.

2.3 Commissioners' Discussion

Adam Turner said the relevant conditions were put into the offers and they came up with one set of offers.

Linda Sibley said the proposal needs to include the truck delivery of the tents. She is okay when approving with the stipulation that MVC staff will look up and carry over pertinent offers from the Big Sky Tent decision.

Doug Sederholm said he needs clarification of what the project proposal is for the independent lab. Is it for the analysis of product grown on site and not any other site? Geoff Rose said that is correct. Doug Sederholm said it would be useful for the offers to be clearer.

Leonard Jason said he sees this as a modification of a previously approved DRI and he has to determine if that approval is best versus the proposed.

There was a discussion about the access.

- Fred Hancock said he would like to propose a condition to include some consideration of access from Pine Hill Road and for the access to be one road since there is no longer a retail business and it is more of an industrial use. He suggests it be considered with the final landscape plan. It was shown on the site plan and it would be a benefit to the neighboring lot.
- Linda Sibley said she thought Fred Hancock was hoping to redesign so there would not be two different roads and that did come up at LUPC. But it seems it may be a little tricky.
- Fred Hancock said he would like to see a condition when the applicant brings their final landscape plan to the MVC.
- Linda Sibley said that would redesign the parking lot and she has a problem with that issue.
- Joan Malkin asked if the entry way to the property is just being changed or also the parking plan.
- Fred Hancock said it would be done in such a way so there is a simple way to connect to the next property so Bizarro would have an easy way to use it. It would be helpful if both could use it.
- Joan Malkin does not understand how it would benefit.
- Fred Hancock showed on the site plan how there would be less cutting of the landscape.
- Doug Sederholm said an easement is a property right and it is Bizarro’s property right. He does not think the MVC should do anything for enhancing a neighbor’s property right. We should not impose that on a neighbor.
- Christina Brown said access easements are at the discretion of the Town Boards.
- Doug Sederholm said the easement already exists and the property right exists. In order to use it you have to improve the land.
- Linda Sibley said when the applicant comes back with the landscape plan if they improve the parking lot they have to come back with the purview of the plan.
- Leonard Jason said the easement is on their property so let them have access.

Joan Malkin said if Geoff Rose wants to do something with Medical Marijuana he has to come back to the MVC for a modification with Jim Eddy and if Jim Eddy wants to come back for a modification for Big Sky Tents then Geoff Rose also has to come back since it is a package deal.
Linda Sibley moved and it was duly seconded to approve the proposal with the offers and include the folding in of the Big Sky Tents conditions and the final landscaping plan to be submitted for MVC approval.

- **Doug Sederholm** said he thought the easement existed instead it is an offer to grant easement.
- **Linda Sibley** said it was a condition of the approved DRI.
- **Doug Sederholm** said he wants to know if it is on record at the Registry of Deeds. If not then it is an offer.

### 2.4 Benefits and Detriments

**Benefits**

Wastewater and Groundwater: With respect to wastewater and groundwater the LUPC finds that the project is a benefit. The LUPC notes that the applicant will utilize composting toilets and that the proposed uses are less intense than what was approved earlier and what could be done here.

- **Paul Foley** said it is smaller than the alternatives uses.
- **Joan Malkin** said the application is a smaller use of space.

Open Space; Natural Community and Habitat – With respect to open space the LUPC finds that the proposal is in light industrial zone.

Night Lighting – With respect to night lighting the LUPC finds that the proposal responded to neighbor’s concerns with regard to lighting which is now minimal.

Scenic Values: With respect to scenic values the LUPC finds that the proposal is a slight benefit because the proposed building is intended to fit in with a rural neighborhood and the applicant has retained vegetative buffers along the two Special Ways.

Character and Identity: With respect to character and identity the LUPC notes that the project is a benefit because the building is smaller than what was approved and it is significantly nicer than the other industrial zone abutters.

Impact on Services and Burden on Taxpayers: With respect to impact on services and burden on taxpayers the LUPC finds that the proposal is a benefit because it will generate increased property tax for the town. The LUPC notes that there may be an increased need for police in the area.

- **Joan Malkin** said it potentially could be a minor detriment with the development and the occasional need for a policeman.

**Neutral**

Noise: With respect to noise the LUPC finds with the hours of operation the proposal is neutral.

- **Joan Malkin** said the volume of Big Sky Tents is reduced.

Traffic and Transportation: With respect to traffic and transportation the LUPC finds that the proposal is no more intensive than the DRI 618-M proposal that was approved.

- **James Vercruysse** said with the removal of the retail operation it has reduced the traffic.
- **Fred Hancock** said in terms of the previous project it is similar.

Impact on Abutters: With respect to impact on abutters the LUPC finds that the concerns of the residential neighbors have been addressed through the offers and the revised plan.

- **Joan Malkin** said the traffic would not be worse that what was originally proposed, lighting is not worse and the character is not worse.
- **Fred Hancock** said this is comparing to the retail application which is no longer applicable.

Affordable Housing: With respect to affordable housing the LUPC finds that the applicant has offered to mitigate monetarily in line with the MVC Affordable Housing recommendation.
Conforms to Zoning and DCPC Regulations: With respect to zoning the LUPC finds that the Town of West Tisbury designated the Light Industrial Zone for this type of use. The LUPC notes that specific requirements in the West Tisbury Zoning Bylaws with respect to this use and the size of certain types of rooms in the interior of the building will be reviewed and if necessary revised at the town level.

Is Essential in View of the Alternatives: With respect to whether the project is appropriate and essential in view of the alternatives the LUPC finds that it is appropriate in this location. The LUPC notes that the applicant made revisions through the process which make the proposal appropriate.

Doug Sederholm needs to be sure that there is clarification for the laboratory in offer 20. that the applicant is to test only marijuana that is grown on site.

Joan Malkin said it seems that the project is a benefit and the modification is a benefit when compared to the previous application but it is unbalanced when compared to the approved Big Sky Tent project.

Fred Hancock said it is important to note that this proposal will provide a service to the Island that it does not have and this is a good location and it is an appropriate use of this space.

Christina Brown said it is providing a service that is important to the Island and this is a good location for that service.

Christina Brown moved and it was duly seconded to insert recognition in the original motion that the service provided by this facility is a benefit to the Island.

- Linda Sibley agreed to amend her motion.


3. NET RESULT ADDITION-TISBURY DRI 485-M9 MODIFICATION REVIEW


For the Applicant: Darran Reubens (Breese Architects)

3.1 Staff Report

Paul Foley presented the following:

- The project location is the Tisbury Marketplace, Tisbury Map 9-B Lots 19.1-19.3 (Units D10-d12).
- The proposal is to renovate unit #1 of Building A to add a 720 sf second floor for office and storage.
- The site photos, existing and proposed floor plans and existing and proposed elevations were reviewed.
- The key issue is does this rise to the level requiring a public hearing review as a DRI.
- LUPC met on June 5, 2017 and voted to recommend to the full Commission that this does not require a public hearing review as a DRI.
- Two honey locust trees would be removed in the front of the building. The applicant had planned to keep the tree but when pressed by the LUPC to come up with a plan to do so realized that the truncated tree left after building the addition should be replaced. They are proposing replacing the Honey Locust with two Red Maples. Examples of Red Maple trees were shown.
3.2 Commissioners' Discussion

There was a discussion about the need for a public hearing.

- Linda Sibley said if the MVC does not hold a public hearing the applicant can do whatever the Town lets them do.
- Fred Hancock said we can condition since it is a modification.
- Paul Foley said this is a little different since the approval is over the whole condominium complex.
- Katherine Newman said do we not trust the Town.
- Linda Sibley said it is not a question of trusting the Town they can do what they want.
- Ben Robinson said the Tisbury Planning Board has opened a Special Permit Hearing and MassDOT is doing a major renovation over that road and they plan to plant Honey Locust trees and they do well in that area.
- Linda Sibley asked what authority the Town has.
- Ben Robinson said the Town has conditioning authority with the Special Permit process.

Linda Sibley moved and it was duly seconded that the modification does not rise to the level requiring a public hearing.

- Joan Malkin said if the MVC is concerned of not having control the MVC would then need to approve the changes.
- Darran Reubens said the applicant is going before the Conservation Commission. When we went to the Planning Board there was an intense discussion on every aspect of the building including landscaping and the trees. It is still open and we are at the point of conditioning the project. With regards to the Honey Locust trees if we cut the tree it is out of proportion. He showed a picture of the location with the Honey Locusts and how it is very scattered and naked looking. The Red Maple trees would be better.
- Linda Sibley said she agrees with Joan Malkin and also stated that Honey Locust trees are very salt tolerant.
- Ben Robinson said the Town has not finished the review yet.
- James Joyce asked why the applicant wants to cut down the second tree.
- Darran Reubens said for symmetry.


Linda Sibley moved and it was duly seconded to approve the changes as proposed with the understanding that the Tisbury Planning Board will deal with the trees.

- James Vercruyssse asked if the applicant has come up with a construction plan as it affects the sidewalk and the road.
- Darran Reubens said the applicant wants to do the project in conjunction with the road construction so it happens at the same time. Access would be from the back for the construction and done in the off season.


- The vote was temporarily stopped for discussion.
- Leonard Jason feels the MVC has the process confused. Is it not a former DRI? So when did the Commission approve the entire project. It was already in place before it came to the Commission.
- Paul Foley said it is all one property and the MVC has looked at it in pieces.
- Doug Sederholm said it is a condo and each condo is separate and they may have common areas.
- Joan Malkin said it would be a mistake to continue the vote in light of what has come up.
- Linda Sibley said we may have to reconsider the vote.

Trip Barnes asked if the Planning Board would refer to the Commission. Ben Robinson said it would be referred due to the historical nature of the marketplace.

Fred Hancock said if the proposal came to the MVC and was not part of the prior DRI process would it trigger the Checklist. Paul Foley said no since it is not 1,000 sf.

There was a discussion about DRI 485.

- James Vercruysse asked what does DRI 485 entail.
- Paul Foley said it was always assumed it was the whole marketplace but it has come to the MVC as little things for each condo. It first came to the MVC when they revised the parking behind Beach Road.
- Fred Hancock said when it came to the MVC it was not a condo it was to divide the property into condominium units.
- Josh Goldstein said it is clear that the MVC procedures for dealing with condos and this property are not clear. We made a vote and we should let that vote stand but have staff develop a policy so in the future the MVC gets something like this right for the next time. As we know this complex will come back to the Commission.

Trip Barnes moved to reconsider the vote and it was not seconded.

Linda Sibley suggested that it would be a good idea to straighten this process out through our attorney and how our procedures apply to condominiums.

4. WEST WILLIAM IHT HISTORIC DEMOLITION-TISBURY C.R. 6-2017 MODIFICATION REVIEW

Robert Doyle recused himself.


For the Applicant: Philippe Jordi (Island Housing Trust Executive Director)

4.1 Staff Report

Paul Foley presented the following.

- The applicant is the Island Housing Trust.
- The location is 55 West William Street, Vineyard Haven, MA Map 8E Lost 4, 1.03 acres.
- The packet of information includes the Staff Report, correspondence and the MVC Policy for DRI Review Demolitions.
- The proposal is to be permitted to demolish a house in Tisbury that was built in 1880.
- The property was originally part of the Chase family holdings as was most of Vineyard Haven.
- The applicant has no specific or conceptual development plans at this time.
- The building is outside of the William Street Historic District and is not listed on the Massachusetts -historic Commission (MACRIS) site.
- The applicant met with the Tisbury Historic Commission (THC) on May 3, 2017. The THC which recommended conditional approval for demolition added that “The THC acknowledges the property is over 100 years old... as such is both required and worthy of historical preservation.
consideration. Given the level of disrepair...the cost to renovate the property could prove prohibitive for the intended use by IHT. If IHT decides not to pursue this project the demolition recommendation should terminate as private use of the property as single family residence could be viable”.

- The house is 3,779 gsf (2,413 sf living area) gothic influenced farm house with a steep hipped gable roof with four arched windows in the attic.
- Interior photos were shown of the period elements that still remain. There is also deterioration in the home such as a hole in the roof.
- The DRI referral was from the Tisbury Building Inspector under DRI Checklist 8.2ii (demolition of a building over 100 years old), a Concurrence Review.
- Key issues include:
  - Does the proposal to demolish this house built in 1880 require a public hearing DRI review?
  - Is this house too historically significant and structurally sound to allow being demolished?
  - Should the MVC even entertain the proposal without an appropriate replacement plan?
  - Specimen trees: there is a mature American Elm in the backyard and four mature Linden trees along the streetscape. What does the applicant plan to do with these specimen trees?

Leonard Jason asked how big the lot is, what is the zoning and what is the minimum lot size. Paul Foley said the lot is 1.03 acres, residential zoning and 10,000 sf per lot. Leonard Jason said you could then subdivide into three lots.

Trip Barnes said it is an existing two family house.

4.2 Applicants’ Presentation

Philippe Jordi said IHT has an offer that has been accepted by the seller on the property. The timeline to enter into the P & S is June 27, 2017 and to close on July 3, 2017 with the stipulation that the area is perc tested and acceptable for multi-family housing and approval to demolish the house. Those are the two conditions of the P & S.

4.3 Commissioners’ Discussion

Ben Robinson said the property is on the Tashmoo watershed. Philippe Jordi confirmed that it is.

Katherine Newman asked if anyone has done a survey to determine if the bones of the house and the structure is good. What is the state of the house?

Philippe Jordi said we are not going to make it into three lots but that would be an option if we had to dispose of the property.

James Joyce asked if there is an engineer report on the house.

Philippe Jordi said it would be a deal breaker if IHT had to restore the house.

Doug Sederholm asked what the zoning for that lot would permit for multi-family housing. Philippe Jordi said under 40A or 40B he did not know but it does allow for 10,000 sf per lot.

Doug Sederholm asked if IHT can build an apartment on that lot. Philippe Jordi said in the past they have done two duplexes on an acre.

Joan Malkin said what we are talking about is if we accept the referral not the demolition and then once that is decided we would ask the questions that are being asked now.
Leonard Jason said the applicant put an offer in on the property but they don’t know what they are going to do with it. Philippe Jordi said it would be multi-family housing.

Linda Sibley said she does not see how the MVC would not hold a public hearing based on past reviews.

Joan Malkin said in order for the Commission to decide whether we concur we have to determine if there are enough points to concur.

Adam Tuner led the review using the MVC Policy for DRI Review, Demolition (scoring).

- Adam Turner said the first thing that needs to be done is to determine if the MVC requires a public hearing.
- Christina Brown asked what the points do.
- Linda Sibley said they help guide you if you need a public hearing.
- The Commission determined the following scoring.
  - Age: 2 points.
  - Historical/Cultural: 2 points.
    - Ben Robinson said based on Paul Foley’s presentation and the way it lays out and the fabric of the Town he views it as 2 points.
  - Design/Construction: 2 points.
    - Michael Kim gave it 1 point, he did not visit the site but restoration would be far more expensive than rebuild.
  - Location/Visibility: 2 points.
  - Town Review: 1 point.
  - Total Points: 9

Fred Hancock said the MVC now votes whether to concur and have a public hearing.

Ben Robinson said this is the first time he used the scoring process and it came close to his own determination so he feels that it seems to work.

Ben Robinson moved and it was duly seconded to concur with the referral and the proposal does rise to the level requiring a public hearing.

- Michael Kim said given that this might take two months does it place the offer in jeopardy.
- Philippe Jordi said potentially it could but it depends on the seller.
- Katherine Newman said the MVC needs to review this. It is a model to do this with a historical property.
- Linda Sibley said no one will be able to demolish this house without a review process. The IHT is in competition with buyers and she is in support of affordable housing but the Historical Commission says the house should not be demolished unless for affordable housing.
- James Joyce said we need an engineering report to see if structurally the house is worth saving.
- Fred Hancock said if the MVC sends it back to the Town the house could be demolished and IHT could decide not to move forward. The MVC could say yes you could demolish if you have something in return. He does not feel that demolition should be allowed of a historical building without a plan in place. It sets a bad precedent.
- Michael Kim said the restoration cost would exceed any affordable housing cost.
- Joan Malkin said we are talking about preserving the exterior.
- Ben Robinson said making a decision without any evaluation and one interior inspection is not enough to determine if the structure is past restoration.

There was a discussion about the scheduling and information needed for review.

- **Josh Goldstein** asked the Chairman to expedite as quickly as possible for the sake of affordable housing.
- **Christina Brown** suggested to schedule the LUPC as soon as possible.
- **Doug Sederholm** said he would like to know what affordable housing would be built and how much. He wants to know what is going to happen if the building is demolished. He does not need architectural plans but information of what would be built.
- **Philippe Jordi** said he thinks the Commission knows what IHT has done over the years. We take our work responsibly. We won’t rush our designs so the MVC would have to take a certain amount of trust of what we can do. Otherwise we may have to reconsider. We have a responsibility to private and public funds. Designing something is premature.
- **Doug Sederholm** reiterated that he did not want architectural designs but information on what is being planned.
- **Joan Malkin** said if the MVC approved to demolish and then the applicant changed their mind that would not work for the Commission.
- **Linda Sibley** said she thinks the historical trees are a significant part of the property and a plan should consider that especially in protecting the Elm tree.

5. SANTANDER HISTORIC ROOF TILES-TISBURY DRI 674 WRITTEN DECISION

*Robert Doyle rejoined the meeting.*


*Christina Brown* said the language asphalt tiles should be asphalt shingles throughout the document.

*Katherine Newman* asked how the project was referred. **Doug Sederholm** said ultimately by the Building Inspector.

*Christina Brown* said the language on line 68 should be “The following document...”.

*Leonard Jason* said line 76 should be corrected to the Tisbury Building Inspector.

*Paul Foley* said the information will be added on line 82.

*Joan Malkin* said the following language should be deleted on line 263 and line 270 “without Commission approval in October 2016”.

*Joan Malkin* asked if there is a difference between neutral and no on lines 276 and 279 with regards to “neutral impact” and “no impact”. **Ben Robinson** said he thinks there is a difference and the language should be the same. **Joan Malkin** suggested revising the language on line 276 to “no impact”.

*Joan Malkin* said the development is the roof and does it burden public facilities. She said the language on lines 286 to 288 should be deleted.

*Ben Robinson* suggested that the Tisbury Bylaw be read to see if there is any language there that will help for line 290 and 291.

*Ben Robinson* said line 293 speaks to the MVC. **Christina Brown** said something should be added regarding the Island Plan.

*Joan Malkin* suggested adding the following language to the end of line 311 “prior to completion of construction”. **Bill Veno** asked if that would be better on line 309 after DRI Review. **Joan Malkin** said no she prefers it at the end of line 311.
There was a discussion about line 331.

- Fred Hancock said we made a point that the proposal was the re-roofing of the bank and the Decision should be with respect to that. We decided to approve the re-roofing of the bank with the Spanish tile.
- Linda Sibley said the language on line 331 should be revised “to deny the asphalt roofing...”. If we revise as Fred Hancock is asking there is nothing stating that the bank can’t use asphalt.
- Fred Hancock said the MVC is saying we approve the re-roofing of the bank with Spanish tiles and we set a time line for doing it.
- Doug Sederholm said it seems that the application that was filed stated with asphalt shingles so we would be denying the use of asphalt shingles.
- Linda Sibley suggested having the MVC counsel decide how to word this.
- Ben Robinson said the Building Department application did specify asphalt shingles.
- Adam Turner said the application before the Commission was to re-roof with asphalt shingles.

There was a discussion about line 308.

- Katherine Newman suggested deleting the word timely on line 308.
- Linda Sibley felt the word timely is appropriate.
- Joan Malkin suggested deleting the sentence as it suggests that we don’t have jurisdiction.
- Adam Turner said that counsel added that line.

Ernie Thomas said that line 339 has tiles and it should be shingles.

Fred Hancock asked on line 356 if it is 6 months from the date of presenting the plan or the Written Decision date. Joan Malkin and Adam Turner said it is a total of 8 months.

There was a discussion about having counsel review the Decision.

- Christina Brown suggested that what the MVC denies, approves and requires be taken under advisement and have MVC counsel review.
- Adam Turner said the MVC attorney wanted this Decision.
- Doug Sederholm said under conditions it says the applicant has to replace the existing tiles. Was it suggested they come back to the MVC for approval?
- Fred Hancock said yes it was to the full Commission.
- James Vercruysse asked if the MVC votes on the Decision or should we have our attorney review first.
- Fred Hancock and Adam Turner said the Commission can vote with final review by counsel.
- Linda Sibley said she thinks we should send to counsel voting to deny the asphalt shingled roof.

Ben Robinson moved and it was duly seconded to approve the decision as written with the amendments as noted with final review by counsel and if there are substantive changes it will require review again by the MVC. Roll call vote. In favor: T. Barnes, C. Brown, R. Doyle, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, B. Robinson, L. Sibley, E. Thomas, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.

6. WESTMAN HISTORIC DEMOLITION-TISBURY DRI 675 WRITTEN DECISION


There was a discussion about Section 2.3 The Plan.

- James Vercruysse thought there were not any plans for the basement.
- Paul Foley said it was shown on the elevations and showed where it was.
• James Vercruysse asked if the basement is the same footprint as the original building.
• Ben Robinson said it is a full basement with a laundry.
• Paul Foley said he does not have that plan.

Joan Malkin suggested that the language on line 180 should be “no impact” not neutral.
Joan Malkin suggested revising the language on line 192 to “the proposal improves the ability...”.
Joan Malkin suggested revising the language on line 195 to “the proposal supports land...”.

Fred Hancock said he did not remember the case law regarding willful demolition from the Building Inspector as noted on line 205. Adam Turner and Paul Foley said the Building Inspector did testify to that at the Public Hearing.

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

7. NEW BUSINESS


7.1 Executive Director Report

Adam Turner presented the following.
• We have received an Eddy grant to take the Commission data on water quality and organize it. We will be testing for algae bloom as well. With all of the grants we will be spending $100,000 this year and the MVC will be the Board of Record for this information.
• On June 23, 2017 the Cape Cod Commission is holding the One Cape Cod Program and will be discussing housing and environmental issues.
• Edgartown Stop & Shop project will be in the next couple of weeks but it has to go to LUPC.
• July schedule; Last year it was hard to have a quorum in July and he asked if one meeting is okay for July and if needed will try to schedule two meetings. The first meeting will be July 13, 2017.
  – Fred Hancock said if we have two meetings in July he suggests July 13th and July 20th so the Commissioners can plan.
  – Paul Foley suggested August meeting dates of August 3rd and August 24th due to the Fair on August 17th.
  – Adam Turner suggested getting through July first and then see what August brings.
  – Linda Sibley said for years if we did not meet on the first and third weeks of each month we voted and especially if the third week date was changed.
  – Adam Turner said he will look at the bylaws to check.

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

DOCUMENTS REFERRED TO DURING THE MEETING
• Memorandum from Jo-Ann Taylor to MVC Commissioners, Dated June 2, 2017; Background regarding whether certain amendments to the Chilmark Zoning Bylaws are in conformance with the Goals and Guidelines specified in the Commission’s Designation Decision for the Coastal District
• Martha’s Vineyard Commission Land Use Planning Committee Notes of the Meeting of June 19, 2017
- DRI # 618-M2 – Medical Marijuana – Offers
- Email from Constance Breese, Dated June 12, 2017, Subject: DRI marijuana cultivation
- Email from Elaine Barse, Dated June 15, 2017, Subject: DRI 618-M2 90 Dr. Fisher Rd
- Martha’s Vineyard Commission DRI # 485-M9 Nest Result Addition Staff Report 2017-06-22
- Letter from Breese Architects to the Tisbury Planning Board, Dated April 25, 2017
- Tisbury Planning Board Hearing Notice, Dated April 26, 2017
- Aerial Site Plan, Proposed Site Plan, Proposed Floor Plans, Proposed Foundation Plan and Proposed Elevations for The Net Result from Breese Architects
- Letter from Board of Selectmen-Town of Tisbury, Dated May 12, 2017, Re: Island Housing Trust request for demolition of a home located at 55 West William Street
- MVC Policy for DRI Review Demolitions
- Draft – Decision of the Martha’s Vineyard Commission DRI 674 – Santander Bank Historic Roof Tiles
- Draft – Decision of the Martha’s Vineyard Commission DRI 675 – Westman/Franklin St. Historic Demolition

---

Jan P. In
Chairman

Sept. 7, 2017
Date

D. W.
Clerk-Treasurer

9-17-2017
Date