Minutes of the Commission Meeting
Held on September 20, 2018
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 Michael Kim (A-Governor; non-voting)
P Tripp Barnes (E-Tisbury)  P Joan Malkin (A-Chilmark)
- Leon Brathwaite (A-County)  P Katherine Newman (A-Aquinnah)
P Christina Brown (E-Edgartown)  P Ben Robinson (A-Tisbury)
- Peter Connell (A-Governor; non-voting)  P Doug Sederholm (E-West Tisbury)
P Robert Doyle (E-Chilmark)  P Linda Sibley (E-West Tisbury)
P Josh Goldstein (E-Tisbury)  P Ernie Thomas (A-West Tisbury)
P Fred Hancock (E-Oak Bluffs)  - Richard Toole (E-Oak Bluffs)
P James Joyce (A-Edgartown)  P James Vercruyssse (A-Aquinnah)

Staff: Adam Turner (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Planner), Sheri Caseau (Water Resources Planner).

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

1. EXECUTIVE DIRECTOR'S REPORT


Adam Turner presented the following:
- He showed the capabilities of the MVC drone. The example was of Indian Hill Road in West Tisbury. It shows where demolitions are occurring, where other properties are located as well as the context of the demolition. It will allow the MVC to set the scene and look at development patterns. Chappaquiddick and Oak Bluffs were also shown.
- We were fully funded this year by EPA for the Lagoon Pond Permeable Barrier. The barrier will catch the nitrogen. We will do a lot of testing before installation and hopefully site the barrier perfectly. A presentation will be made with Rep. Keating as this is a Federal program. The MVC was rejected the first time for funding and he thanked Gail Barmakian for her assistance in bringing to their attention the need for the Island.
  - James Joyce asked how it works.
  - Adam Turner said you basically dig a big hole if you know where the nitrogen is going in the pond and you put in wood chips as well as other things to attract the nitrogen so it does not get into the pond. This is not new technology but if not sited correctly the plume goes around it, so it can be tricky. We have two sites that we are looking at and will figure out which one to use. The wood chips should stay for 30 years.
  - Linda Sibley said do you expect to see a difference in the amount of nitrogen in the pond where it is located.
  - Adam Turner said yes and we will test it.
– Gail Barmakian said that Adam Turner did a lot of testing to figure out where it will be before the barrier is put in and then again after the barrier is placed.
– Fred Hancock asked if this is on private or public property.
– Adam Turner said it is on public property.

- The LUPC had two big projects. The MVCS campus is being redone and it is a big development, and Meetinghouse Way in Edgartown for 35 lots.
  – Paul Foley said it was the first pre-application for MVCS and for Meetinghouse Way it is a pre-public hearing.
- Our Island engineer has begun and is doing a project in each town: Aquinnah, parking and traffic at the circle; Chilmark, looking at a stop sign; West Tisbury, the culvert at the bridge for bikes and pedestrians; Tisbury and Edgartown, drainage improvements; and Oak Bluffs a parking lot development to provide more downtown parking.
- The Airport is looking at more lots in the Business Park. There is an agreement between the airport and the MVC on how to regulate development that should be looked at each year.
- Bill Veno will provide an update on the Rural Policy Advisory Commission.
  – Bill Veno presented the following:
    - He has been sitting on the commission as the MVC representative and it has been struggling a bit to find its feet.
    - They are proposing to do a rural plan to have priorities and suggestions to the legislature and the Governor on rural authorities and they will have listening sessions.
    - One will be on the Island to bounce off the public on issues that have been identified before going into a planning phase.
    - It is policy driven and has to do with services.
    - We will also be holding system training sessions on medical marijuana and how to hold effective public hearings. Because the MVC funds it, they are free to attend and done on demand.

2. VINEYARD YOUTH TENNIS-OAK BLUFFS DRI 539-M2 MODIFICATION REVIEW

Robert Doyle recused himself.


For the Applicant: Chris Scott

2.1 Staff Report

Paul Foley presented the following:
- The applicant is Vineyard Youth Tennis, Chris Scott. The location is Barnes/Airport Road, Oak Bluffs, MA, Map 51 Lot 3 (12.92 acres).
- The proposal is the modification of conditions of the original MVC decision approved in 2001, and modified in 2005, to extend the hours and to allow adults to use the facilities at designated times.
- The MVC approved Vineyard Youth Tennis with conditions on May 17, 2001. The facility was completed in June 2002. In 2005 the MVC approved with conditions modifications to several of the conditions.
- Vineyard Youth Tennis Inc. is a Massachusetts charitable organization whose mission is to provide tennis lessons to children.
• Modification of conditions include:
  - Condition 1g – Hours: Currently the hours of operation are 8:30 a.m. to 7:00 p.m. The proposal is for hours of operations from 8:00 a.m. to 9:00 p.m.
  - Condition 2a – Adults: Currently the use of the facility is limited to children under the age of 18. The proposal would allow the adults to use the facility from 8:00 a.m. to 2:30 p.m. and 6:30 p.m. to 9:00 p.m. during the school year, and to allow the adults to use two of the four courts from 8:00 a.m. to 9:00 p.m. during the summer.
• Vineyard Youth Tennis currently offers 8 six-week sessions of youth instruction per year. They propose to offer one six-week session at no cost to any child who wishes to enroll. Thereafter, they propose to charge a nominal fee per lesson to offset the cost of payment to the tennis instructor. For any family who cannot afford this nominal fee they have established a scholarship fund to cover the cost.
• Vineyard Youth Tennis has been subsidized for 20 years by a philanthropist who recently ended their financial backing. The applicant has stated that their goal is to continue to provide subsidized youth instruction with the operational costs of the facility funded through adult play and community donations.
• The Bubble that collapsed will be replaced over two of the courts from October to May 15.
• The site plan and site photos were reviewed.
• The LUPC voted to recommend that this does not require a public hearing review as a DRI and to approve the change.
• A key issue is does this change require a public hearing as a DRI.
• The site is largely wooded between a major road and a large gravel pit (Goodales).
• They are currently on septic system. They do not have showers and only have two courts available for use from October to May. The proposed use is not expected to increase flow.
• There is no change planned to the parking.
• The proposed change should have no noticeable effect on peak hour trip generation.
• There are no visible changes proposed to the property.

2.2 Applicants’ Presentation

Chris Scott presented the following:
• Paul Foley gave a thorough presentation.
• In 2001 the MVC helped to create Vineyard Youth Tennis and we are asking for you to help us to keep it going.
• We had one individual funding it and they did so for 20 years, but can no longer do so.
• We are trying to make it more of a community facility.
• The facility is not utilized for 9 months of the year when school is in session.
• By opening the facility to adults it will allow us to maintain the overhead and keep the youth program going.

2.3 Commissioners’ Questions

Doug Sederholm said how will the summer youth program be impacted. Is there any change in the number of children served or the hours, especially with only half of the courts available for children. Chris Scott said there will be no impact. With four courts, there are usually only two in play with the number of instructors they have. In summer, two courts for youth is the minimum. The adults have more options with other facilities and clubs open. We have been talking with our staff about programs for the children.

James Joyce moved and it was duly seconded that the modification does not rise to the level requiring a public hearing. Voice vote. In favor 14. Opposed: 0. Abstentions: 0. The motion passed.

Linda Sibley made a general observation that if in the future the MVC is fortunate to have a facility come before them with a benefactor that perhaps the MVC should include an endowment.

Chris Scott said when all is completed everyone is invited to the opening and thanked the MVC.

3. VERIZON TOWER-TISBURY DRI 677 TENTATIVELY POSTPONED TO OCTOBER 4, 2018

Robert Doyle rejoined the meeting.


Paul Foley noted that Katherine Newman would not be available on October 4, 2018 for the public hearing so perhaps it should be continued to another date.

Josh Goldstein said he has been rehabilitated so he would be able to participate at the October 4, 2018 public hearing.

After polling the Commissioners for a quorum it was determined that the public hearing could be held on October 4, 2018

James Vercruysse, Public Hearing Officer, opened the Public Hearing and continued it to October 4, 2018 without taking testimony.

4. OAK BLUFFS EMERGENCY SERVICES RADIO TOWER-OAK BLUFFS DRI 685 PUBLIC HEARING


For the Applicant: Chief John Rose, Chief Erik Blake, Sheriff Robert Ogden, Deputy Anthony Gould, Kevin Knapp

James Vercruysse, Public Hearing Officer, opened the Public Hearing and read the Public Hearing Notice. The applicant is the Oak Bluffs Fire and EMS, The Oak Bluffs Police and the Dukes County Sheriff's Office. The location is 347 County Road, Oak Bluffs Map 29 Lot 156. The proposal is to construct a 140 foot tall radio communication tower for public safety purposes.

4.1 Staff Report

Paul Foley presented the following:
- The location is at the Oak Bluffs Landfill site by Oak Bluffs Highway Barn area.
- A Special Permit is needed from the Planning Board and a Building Permit. The project would need to file with the FAA.
- The larger site is part of the Oak Bluffs landfill and transfer station. Farm Neck Golf Club is across the street and residential neighborhoods are nearby.
- Currently the Oak Bluffs public safety communications antenna is on the water tower at the end of Pine Street. The chiefs have said that the tower is too crowded with other equipment and transmitters which cause interference. They said that they are currently working with 1960's technology and do not have full coverage. Additionally they said they have an access issue at the water tower which is not under their control during storms when the power is out.
• The tower would be surrounded by a 50’ by 50’ compound enclosed by chain link fence with a 12’ by 10’ concrete shelter and a 35KW outdoor generator with a 1,000 gallon liquid propane fuel tank on a concrete slab.
• The proposed tower would increase the frequency of radio transmissions from 136 MHz to 700 MHz.
• The applicant is trying to fill in dead spots, improve reliability and update the technology from current antiquated 1950’s analog VHF system. The tower would be part of a new planned multi band digital system with point to point connectivity and upgraded hardware with failsafe redundant systems.
• The tower will be a lattice tower with two four foot microwave dishes.
• Site photos and the proposed tower site were reviewed. Simulations of the proposed views of the tower were shown.
  – Doug Sederholm asked how many feet the tower is from the road.
  – Paul Foley said he has not measured that yet.
• Key issues include:
  – How visible will the tower be from public vistas?
  – Proliferation of towers: the MVC is reviewing another tower for extension that is more visible.
  – What will become of the tower as new technologies make it obsolete?
• The current communication system map was reviewed and the proposed system.
  – The current system is VHF analog system, has consumer grade hardware, significant coverage issues and no failsafe systems. RECC host’s central control equipment and is six towers.
  – The proposed system is a multiband digital system, has wireless point to point connectivity, and has public safety grade hardware and failsafe and redundant systems. RECC hot’s only dispatch equipment and is four towers.

4.2 Applicants’ Presentation

Deputy Anthony Gould presented the following:
• The Sheriff’s office hosts the Regional Emergency Communication Center for the Island, Cuttyhunk and Gosnold and manages the communication system for the entire Island.
• We currently have seven sites and right now we are the only jurisdiction in the Commonwealth on a VHS system.
• Because we are leasing these we do not have direct maintenance on them.
• We are using consumer grade hardware which is equivalent to what a private security company would use. So we have noticed failures.
• We do not have failsafe systems and it poses a significant risk to first responders and the public.
• The amount of commercial and private antennas currently around their towers were shown and he also showed where the generator failed and it was a critical failure.
• The proposal includes a hardened shelter that will hold over the next 10-20 years with severe weather conditions.
• The proposed system reduces to five sites. RECC hosts only the dispatch equipment.
  Redundancy is built in so connection can go around and back to the loop. The failsafe is that they will work as standalone towers.
• The proposed system moves to a digital system and will expand coverage on the streets as well as in buildings. There will be a six hour battery backup in each.
• He showed 100% street coverage with low powered portable radios and showed the proposed location.
• It is a 140 foot self-supporting lattice type tower and will only be used for public safety and creates the back haul loop. If the tower were 80 feet or below it would not make it over the southern woodlands and would not have a back haul loop.
• In the future we might be adding on the First Net system which is only for public safety.

4.3 Commissioners’ Questions

Gail Barmakian said it does not show any lights on top of the tower. Paul Foley said lighting is not required but it has not been through the FAA yet. Sheriff Ogden said if anything, it would be a specific strobe light as required and approved by the FAA.

Michael Kim asked if this is strictly for public safety and there are no plans to lease. Sheriff Ogden said there would be no leasing except a possible indication is AT&T for First Net which is for public safety.

Doug Sederholm asked why you would have First Net if you have this. Deputy Gould said they use to separate radio and IF and now would be able to have a Cruiser access the dispatch database. Doug Sederholm asked how a Cruiser accesses that now. Chief Blake said with air cards. Sheriff Ogden said First Net is a standard program that has been approved.

Joan Malkin asked if the tower can be seen from County Road. Deputy Gould showed the visibility from various areas and said it may be slightly seen in some locations.

Christina Brown asked if she called 911 what happens, and how does that work? Deputy Gould said if 911 is called, the call is taken and managed by the State. The proposed tower is purely for the radios that we use to send the calls to the Police, EMTs, etc. Sheriff Ogden said the Dukes County Sheriff’s office is the public safety point.

James Joyce asked if this tower talks to the Verizon tower. Deputy Gould said we have nothing to do with that system. Sheriff Ogden said we did have a conversation with them and they rescinded the article as it was taken out of context. They are the infrastructure that provides phone service not public safety.

Joan Malkin said on one of your slides there is 911 as the first bullet point and all the rest are public safety. If she is using a landline and dials 911 when would you be involved? Sheriff Ogden said when the phone is picked up at the communication center we receive it and no one else receives it. Because of the Verizon center they suggested they send all our calls off Island and then back to us and if it goes down it stays on Island.

Christina Brown said is it a major problem not receiving calls. Sheriff Ogden said it is a major problem which is why we are trying to get up to what is an almost obsolete system.

Gail Barmakian said she initially thought the tower was an Oak Bluffs EMT project. How does the power plant factor in and are they two different projects and how are they being funded? Chief Rose said they are the same project and we are teaming up with the Sheriff. If the Sheriff doesn’t get the grant we have the funding for this same project. Kevin Knapp said the power plant is a communication rack and has a power backup in the hardening shed.

Ernie Thomas said does each one of the towns have to upgrade their vehicles or does it interface with the new system. Deputy Gould said eventually all radios will have to be upgraded and we are taking the approach to rip and replace. The first phase is the hardening systems, phase two is replacing radio hardware and the third phase is to replace all radios.

Sheriff Ogden said we have gone to the State and the Department of Public Safety for grants and we have an indication that we will be awarded the first phase and it will be funded to a degree this year. It is a $6 million system. The first phase is the back haul system.
Michael Kim commended Deputy Gould for his clarity of his presentation. He asked if he is confident that the height of the tower will last for several decades. Deputy Gould said with a 140 foot tower the dish would not be at the top of the tower and they will be able to move the dish up the tower if needed.

Fred Hancock said the project tonight before the MVC is the construction of the tower for public safety.

Deputy Gould said we will return every year to the MVC until we get the money the Island deserves from the government.

Linda Sibley said there are many ways to get a 911 call into the 911 system with the various landlines and cell services and we need to understand what that is versus this project. You said the State transfers the 911 call to our communication center, is that correct? Deputy Gould said that is correct. Sheriff Ogden said we are call takers and dispatchers.

Fred Hancock said he believes because the proposed project is on town property the Town would also be an applicant. Chief Blake said they did list the Fire Department, EMS and Police as applicants.

Sheriff Ogden said the communication center hosts every agency on the Island for public safety.

Adam Turner said (addressing Chief Rose and Chief Blake) even if the Sheriff wasn’t here you would still be here for this project. Chief Blake said yes and said that they started the project.

Gail Barmakian asked if you do not get phase two is it fatal to the project. Sheriff Ogden said we will continue to maintain the VHS system until we get the new system. It is a buildup that has to happen.

James Vercruysse said there is a fall zone and it is on their property.

Tripp Barnes said this is the beginning of something new that has to happen. This is a start and the tower has to happen. Even thinking beyond 911 it also applies to Hurricanes and other disasters.

Bill Veno said currently you are on top of the water tower and how clear will the communication be with the proposed tower. Sheriff Ogden said it will be like night and day.

Doug Sederholm said in the remote possibility that this tower becomes antiquated and not needed would the Town represent that they would take it down. Sheriff Ogden said there are State funds involved so there would be an onus to take it down and we promise to take it down.

There was a discussion about tower’s sustainability.

- Gail Barmakian asked what velocity wind does it sustain.
- Kevin Knapp said 90 mph sustained and 120mph gusts.
- Gail Barmakian said that is not much, especially during storms.
- Kevin Knapp said it can be designed differently.
- Sheriff Ogden said it is much better than a monopole and it has been indicated that the sustainability is higher than what the engineer indicated.
- Deputy Gould said the tower that is in place now has been there since 2001 and we have not had issues.

Michael Kim said when you rip and replace the old machinery then the old equipment is dismantled on the water tower. Chief Rose said it would be.

Fred Hancock said the proposed tower is for public safety uses only. Sheriff Ogden confirmed it is.

James Vercruysse, Public Hearing Officer, closed the Public Hearing.

Doug Sederholm moved and it was duly seconed to waive the Post Public Hearing LUPC and go to deliberation.

- Gail Barmakian said she would like to address the wind sustainability.
• **Linda Sibley** said it was discussed during the public hearing so it could be conditioned.
• **Doug Sederholm** asked if the applicant was under any time constraints.
• **Sheriff Ogden** said the grant money is forthcoming and they would like to move forward.
• **Adam Turner** said this is complicated and perhaps it needs further review.
• **James Joyce** agreed with Adam Turner. We had several projects like this and we went to LUPC.
• **Doug Sederholm** said he would remove his motion if the second did as well.
• **Fred Hancock** said the proposal is fairly detailed and does not feel it needs to go to LUPC.
• **Linda Sibley** said LUPC is to help form conditions. This needs some work and staff could do that and she agrees with Gail Barmakian regarding hurricane level sustainability.
• **James Vercruysse** would like to ask staff if they have all the information needed.
• **Paul Foley** listed the conditions: the applicant will maintain the VHS until the new system is up and running, they promise to take the antenna down if it becomes obsolete, it is only for public safety and it will withstand 90 mph sustained winds and 120 mph gusts.
• **Ben Robinson** said it seems there is one sticky point that Gail Barmakian brought about with the wind sustainability. Since it is for emergency services it seems to be too low and can the MVC condition and if it needs to meet a higher sustainability does it have to be redesigned and they would have to come back to the MVC.
• **Katherine Newman** said if they have to delay until the October 4, 2018 meeting does it really slow things down. Sometimes we have to digest all of this.
• **Joan Malkin** said she is compelled by what they presented but does Adam Turner and staff have all that they need.
• **Adam Turner** said he wants to be sure it is done right.
• **Tripp Barnes** said the Motorola guys are not coming back. We need to move forward. Look what just happened down south with the storms.
• **James Vercruysse** said a yes vote is to go directly to Deliberation and Decision and a no vote is to go to LUPC.


**Adam Turner** said we will try to have a written decision for LUPC so we can go to Deliberation and Decision and have that ready. We want to do this professionally and be sure we don’t miss anything. It protects the MVC and the applicant.

**Doug Sederholm** said since we do not have any information regarding strength of the tower it is not right for us to tell them how to build it.

**Ben Robinson** said if we ask them to redesign to a higher wind speed does that delay them.

**Fred Hancock** said the Public Hearing Officer can reopen the Public hearing so we can ask them.

**James Vercruysse**, Public Hearing Officer reopened the Public hearing to obtain pertinent information.

**Linda Sibley** asked if the engineer from Motorola is a structural person. **Sheriff Ogden** said he is a structural engineer.

**Kevin Knapp** said once they get approval for the project they will do a spoil bore of the ground which determines the foundation required for coastal structures. The tower will be designed based on National Code for coastal locations. He is not sure what that is as industrial designers do that part but he believes it is 130 mph.

**Gail Barmakian** asked what the sustainability is of the other towers on the Island. **Sheriff Ogden** said if you look at Peaked Hill it is the most exposed tower and it has sustained.

**Bill Veno** said the tower would be built to the Federal standards for coastal towns.
Christina Brown said that may be one of the details that staff has to put into the application and a reference to the Federal standard.

Linda Sibley said now that we have the testimony we could use it as a basis to do our own research.

James Vercriyssse, Public Hearing Officer, closed the Public Hearing. LUPC is scheduled for October 1, 2018 and Deliberation and Decision on October 4, 2018.

5. SANTANDER HISTORIC ROOF TILES-TISBURY DRI 674 AMENDMENT TO SETTLEMENT AGREEMENT


Adam Turner said the MVC is amending our Decision from going six months from the date of the approval to May 31, 2019. Everything else remains the same.

Josh Goldstein moved and it was duly seconded that the changes do not warrant a public hearing. Voice vote. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.

Josh Goldstein moved and it was duly seconded to accept the changes to the Written Decision as presented.

- Fred Hancock said did the Written Decision say the plan is submitted to the full Commission.
- Adam Turner said the language was taken from the Written Decision which states to the Commission. The tile and everything else stays the same.
- Ernie Thomas asked why the MVC is asking to remove the existing roof. Why not just add the tiles and make it stronger.
- Paul Foley said Ken Barwick did not think that could be done. The roof was rushed due to an impending storm at the time and it may not have been done well.
- Fred Hancock said Santander could come back to the MVC to do that.
- Linda Sibley asked if all that is being done now is changing the dates.
- James Vercriyssse said that is correct.


The meeting was adjourned at 8:35 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Martha’s Vineyard Commission DRI # 539-M2 Vineyard Youth Tennis Mission Mod. MVC Staff Report – 2018-09-10
- Vineyard Youth Tennis applicant’s narrative, Dated August 30, 2018
- Vineyard Family Tennis Proposal by Vineyard Youth Tennis
- Martha’s Vineyard Commission DRI # 685 O.B. Emergency Services Radio Tower MVC Staff Report – 2018-09-20
- O.B. Emergency Services Tower simulation, Dukes County Sherriff’s Office Proposed Tower Development at Oak Bluffs Highway Site and Current Communications System and Proposed Communication System
- Martha’s Vineyard Commission Santander Settlement memo from Adam Turner, Dated September 20, 2018
Chairman  

Date  

Clerk-Treasurer  

Date