



PO BOX 1447, OAK BLUFFS, MASSACHUSETTS, 02557, 508-693-3453
FAX 508-693-7894 INFO@MVCOMMISSION.ORG WWW.MVCOMMISSION.ORG

Minutes of the Commission Meeting Held on April 15, 2010 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

Commissioners: (P = Present; A = Appointed; E = Elected)

- | | |
|---|--------------------------------------|
| - Bill Bennett (A- Chilmark) | P Katherine Newman (E -Aquinnah) |
| P John Breckenridge (E- Oak Bluffs) | P Ned Orleans (A - Tisbury) |
| - Christina Brown (E - Edgartown) | - Jim Powell (A - West Tisbury) |
| - Peter Cabana (E - Tisbury) | P Camille Rose (A - Aquinnah) |
| - Martin Crane (A - Governor Appointee) | P Doug Sederholm (E - Chilmark) |
| - Fred Hancock (A - Oak Bluffs) | P Linda Sibley (E - West Tisbury) |
| - Chris Murphy (E - Chilmark) | P Holly Stephenson (E - Tisbury) |
| P Jim Joyce (A - Edgartown) | P Andrew Woodruff (E - West Tisbury) |
| P Lenny Jason (A - County) | |

Staff: Bill Veno (Senior Planner), Paul Foley (DRI Coordinator), Mike Mauro (Traffic Coordinator)

Doug Sederholm opened the meeting at 7:10 p.m.

1. REPORT: PLANNING & ECONOMIC DEVELOPMENT COMMITTEE

Kathy Newman reported that the PED Committee, under Jim Athearn, had helped set up the Island Plan process. The Island Plan Steering Committee is putting together a proposal about how to coordinate implementation of the Island Plan. It is suggested that the Commission's PED committee take on the responsibility of implementing those actions that the Commission would be directly responsible for, such as revising the DRI Checklist. There will be a brown bag lunch meeting on April 21 to start discussing this.

2. MINUTES

Commissioners present: J. Breckenridge, J. Joyce, L. Jason, K. Newman, N. Orleans, C. Rose, D. Sederholm, L. Sibley, H. Stephenson

2.1 August 13, 2009

Commissioners agreed to the following corrections:

Line 48/107 Linden Lane

John Breckenridge moved, and it was duly seconded, to approve the minutes of August 13, 2009, as corrected. A voice vote was taken. In favor: 7. Opposed: 0. Abstentions: 2. The motion passed.

2.2 October 1, 2009

Commissioners agreed to the following corrections.

Lines 10 and 14 *Jim Athearn, appointed, Peter Cabana, elected*

Line 125 *nitrogen mitigation*

Line 134 *delete: and*

Line 137/138 *add: heading on traffic and re-number*

Line 253 *that*

. . . and one for water

Line 266 *water and land simultaneously*

Line 267 *the island had unanimity*

Line 269 *delete: changing*

Line 302 *Roll call: correct to read ocean waters*

Linda Sibley, moved, and it was duly seconded, to approve the minutes of October 1, 2009, as corrected. A voice vote was taken. In favor: 7. Opposed. 0. Abstentions: 2. The motion passed.

2.3 November 19, 2009

Commissioners agreed to the following corrections.

Line 67 *agricultural use*

Line 302 *proposals*

Linda Sibley, moved, and it was duly seconded, to approve the minutes of November 19, 2009, as corrected. A voice vote was taken. In favor: 7. Opposed. 0. Abstentions: 2. The motion passed.

2.4 December 3, 2009

Commissioners agreed to the following corrections.

Line 141 *himself and Judy Crawford*

delete: to her.

Line 145 *if we continue as is*

Line 219/220 *forwarded to chairpersons of each finance committee of each town*

Line 238 *finalize*

Ned Orleans moved, and it was duly seconded, to approve the minutes of December 3, 2009, as corrected. A voice vote was taken. In favor: 7. Opposed. 0. Abstentions: 2. The motion passed.

2.5 January 14, 2010

Commissioners agreed to the following changes.

Line 121 *government. (delete rest of sentence)*

Line 131 *plant to run the grid.*

John Breckenridge moved, and it was duly seconded, to approve the minutes of January 14, 2010, as corrected. A voice vote was taken. In favor: 6. Opposed. 0. Abstentions: 3. The motion passed.

2.6 February 4, 2010

Commissioners agreed to the following changes:

Line 48 LUPC didn't receive the legal ruling that was requested by West Tisbury
in time to review prior to the LUPC meeting

Line 51 add: with regard to the need for a public hearing

Line 61 he supports the motion

Linda Sibley moved, and it was duly seconded, to approve the minutes as corrected. A voice vote was taken. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.

2.7 March 11, 2010

Linda Sibley moved to approve the minutes of March 11, 2010, as written. A voice vote was taken. In favor: 6. Opposed: 0. Abstentions: 3. The motion passed.

2.8 March 18, 2010

Commissioners agreed to the following changes:

Line 50 when a DRI isn't developed

Line 408 are used to hearing kids

Kathy Newman moved to approve the minutes of March 18, 2010, as corrected. A voice vote was taken. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.

2.9 April 1, 2010

Commissioners agreed to the following changes:

Line 134 hearing and read

Line 264 there is a stormwater plan that is evolving

John Breckenridge moved to approve the minutes of April 1, 2010, as corrected. A voice vote was taken. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.

3. J. FERRY: DRI NO. 598 – M2 – REQUEST FOR MODIFICATION

Commissioners present: J. Breckenridge, J. Joyce, L. Jason, K. Newman, N. Orleans, C. Rose, L. Sibley, H. Stephenson, A. Woodruff

Doug Sederholm recused himself and left the room.

Linda Sibley explained that the proposal is to have an art gallery in the front space of the building, rather than a pet groomer's businesses. The question before the Commission is whether the modification is significant enough to require a public hearing.

Paul Foley gave the staff report.

- LUPC unanimously recommended that this is an insignificant change.
- West Tisbury wrote that this use is appropriate and desirable.
- Mike Mauro and Paul Foley looked at sight lines, which are adequate.
- There is adequate space for parking. The only issue would be when there are art openings. The property has room for 20 cars for art openings which will be on Sundays.

- The twenty spaces are also for the racquet ball club and yoga studio. The art gallery owner will be getting a letter from the bank across the street stating she may use the bank parking lot on Saturday afternoons and Sundays.
- West Tisbury wanted staff to look at traffic.

Ned Orleans moved, and it was duly seconded, that this is not a sufficiently substantial change to require a public hearing. A voice vote was taken. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.

Ned Orleans moved, and it was duly seconded, to approve the modification as presented. A roll call vote was taken. In favor: J. Breckenridge, L. Jason, J. Joyce, K. Newman, N. Orleans, C. Rose, L. Sibley, H. Stephenson, A. Woodruff. Opposed: None. Abstentions: None. The motion passed.

4. ETHICS COMMISSION

Doug Sederholm reminded commissioners to fill out the on-line form for the Ethics Commission and submit it to the appropriate authority.

5. YMCA: DRI NO. 600-M – PUBLIC HEARING

Commissioners present: J. Breckenridge, J. Joyce, L. Jason, K. Newman, N. Orleans, C. Rose, D. Sederholm, L. Sibley, H. Stephenson, A. Woodruff

For the applicant: Judy Crawford and Fred Fournier

Linda Sibley read the hearing notice on the proposal to modify the site plan by adding a walking path, a handicapped accessible playground, an outdoor basketball court, a covered pavilion, a shed, and temporary irrigation.

5.1 Staff Report

Paul Foley gave the staff report on the modifications.

- There are also three conditions to be modified.
 - Condition 1.1 – the second sentence amended to read: *The wastewater will not be piped back.* The wastewater will instead be going to the Leonardo property, which cuts nitrogen loading in half.
 - Condition 4.3 - The applicants are requesting that they be able to install temporary irrigation for three years instead of only collected rainwater for irrigation.
 - Condition 14.1 – instead of using Miox to purify the water, the YMCA will be using a new UV system that is superior to Miox and chlorine.
- LUPC waived the requirement for a traffic study and recommended that the Commission accept the applicant's request for a fee waiver.
- A revised landscaping plan has been submitted.
- A key issue is noise from the basketball court.
- LUPC and staff reviewed the other conditions and they have been met.
 - Natural Heritage and Endangered Species has signed off on the plan.
 - The project will be receiving the equivalent of LEED certification.

- The applicants have installed solar panels for hot water
- The planners have arranged for cooking oil to be collected by the high school science department and converted to biodiesel.
- The open space is still 45%. There is a large area of conservation.
- There will not be lighting on the basketball court and hours will be to sundown.
- With the new wastewater configuration, nitrogen contribution has been cut to 11.6 kilos. The additional impervious surface will add 0.3 kilos per year. The town has purchased another property for its wastewater. The wastewater is shifting watersheds.
- All the changes are being submitted as a modification.

Fred Fournier reviewed the landscape plan and added the following:

- Trees 14 to 18 feet tall are currently being planted.
- The YMCA now has a joint entrance with the Ice Arena.
- They've started some of the porous paving in front of the building.
- The materials used for the buffers will be pitch pine to try to soften paving and building areas. Pitch pine will be used for additional plantings.
- There won't be enough rainwater to establish the new plants. To water sufficiently, they need temporary irrigation instead of just rainwater from the 2500 gallon tank.

5.2 Public Comment

Julia Burgess, executive director of Community Services, stated that they support the plan for the playground and basketball court and they're looking forward to the opening of the Y.

- They don't feel noise will be a problem.
- This is assuming that the basketball court has no bleachers.
- Their main concern is the possible number of cars because they have limited parking.

Judy Crawford stated that the play features would be used only when they could be supervised.

Ann Wallace, Island Elderly Housing, spoke about the project.

- They haven't heard noise or had any complaints during construction about noise. If there were noise they know they could meet with the board.
- They would like the Commission to approve the modifications.

Judy Crawford said that this project has just gotten better over time as a result of collaboration because of suggestions that have come from various people and organizations through the approval process. The trees that came out of the LUPC meeting are nothing but a plus. It just gets better and better.

Ned Orleans moved, and it was duly seconded, to waive post-public hearing LUPC and go directly to deliberation. A voice vote was taken. In favor: 10. Opposed: 0. Abstentions: 0. The motion passed.

Lenny Jason moved, and it was duly seconded, to adopt LUPC's recommendation to accept the applicant's request to waive the application fee.

- **Paul Foley** explained that the fee would be about \$900, and is based on a fee structure.

- **Linda Sibley** said that the Commission does not have a policy for waiving fees for non-profits but it does have a track record for waiving fees for a not large modification. If a modification requires an extensive revision and staff time, that does require a fee.

A voice vote was taken. In favor: 10. Opposed: 0. Abstentions. The motion passed.

6. YMCA: DRI NO. 600-M – DELIBERATION AND DECISION

Commissioners present: Commissioners present: J. Breckenridge, J. Joyce, L. Jason, K. Newman, N. Orleans, C. Rose, D. Sederholm, L. Sibley, H. Stephenson, A. Woodruff

Linda Sibley moved, and it was duly seconded, that that the Commission approve the change in landscape plan and the changes listed in bold on page one of the staff report, including a walking path, a handicapped accessible playground, an outdoor basketball court, a covered pavilion, a shed, and temporary irrigation.

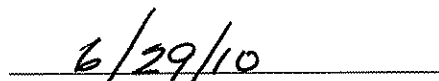
- Commissioners discussed the benefits and detriments:
 - Benefits seem to outweigh the detriments; the YMCA is adding facilities for use by the community.
 - The two major neighbors are comfortable with noise.
 - They are mitigating the contractor's mistake in clearing more trees than what was expected by planting more trees.
 - The project is a model for a sustainable building and much of the community will have the opportunity to see and learn from it.

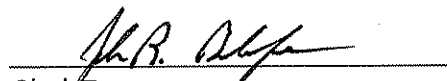
A roll call vote was taken. In favor: J. Breckenridge, J. Joyce, L. Jason, K. Newman, N. Orleans, C. Rose, D. Sederholm, L. Sibley, H. Stephenson, A. Woodruff. Opposed: None. Abstentions: None. The motion passed.


The grand opening for the YMCA will be May 29th

The meeting adjourned at 8:35 p.m.


Chairman


Date


Clerk-Treasurer


Date