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## Decision of the Martha's Vineyard Commission DRI 600-M2 YMCA Addition

### 1. SUMMARY

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Referring Board: Oak Bluffs Building Department

Subject: Development of Regional Impact #600-M2 YMCA Addition

Project: Construction of a 39,000-ft<sup>2</sup> addition, a roof replacement, creation of an emergency access way, and other upgrades and changes.

Owner: The YMCA of Martha's Vineyard, Inc.

Applicant: Jill Robie-Axtell, YMCA Executive Director; Brian Mackey, Project Manager; Katherine Brekka, Architect; Chris Alley, Engineer

Applicant Address: YMCA of Martha's Vineyard  
111R Edgartown-Vineyard Haven Road  
Vineyard Haven, MA 02568

Katherine Brekka  
70 Franklin Street  
Boston, MA 02110

Project Location: 111R Edgartown-Vineyard Haven Road, Oak Bluffs. Map 50, Lot 29 (5 acres).

Lease: Recorded: Book 1213, Page 256

Decision: The Martha's Vineyard Commission (the Commission) approved the application for the project as a Development of Regional Impact with conditions, at a vote of the Commission on December 14, 2023.

Written Decision: This written decision was approved by a vote of the Commission on January 4, 2024.

The permit-granting authorities of the Town of Oak Bluffs may now grant the request for approval of the Applicant's proposal in accordance with the conditions contained herein and may place further conditions thereon in accordance with applicable law, or may deny the request for approval.

## **2. FACTS**

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The exhibits listed below including the referral, the application, the notice of the public hearing, the staff report, the plans of the project, and other related documents are incorporated into the record herein by reference. The full record of the application is kept on the premises of the Martha's Vineyard Commission.

### **2.1 Referral**

The project was referred to the Commission on July 21, 2022 by the Building Department of the Town of Oak Bluffs, MA for action pursuant to Chapter 831 of the Acts of 1977, as amended (the Act) and the Commission's Standards and Criteria Administrative Checklist for Developments of Regional Impact, DRI Checklist Items: 1.3D *Modification to a Previous DRI*, 3.1b *Commercial Development of more than 3,500-sf*, and 3.1c *Commercial Development of an addition of more than 1,000-sf*. At a staff-applicant meeting on August 23, 2022, the Applicant opted to bypass the modification review process and proceed to a public hearing with review as a Development of Regional Impact.

### **2.2 Hearings**

Notice: Public notice of the hearing on the Application was published in the MV Times on October 19 and 26, 2023; notice was also published in the Vineyard Gazette on October 20 and 27, 2023. Abutters within 300 feet of the property were notified by mail on October 17, 2023.

Hearings: The Commission held a duly noticed public hearing on the Application that was conducted pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831 on November 2, 2023, which was continued to December 7, 2023. The hearing was closed that night with the exception of the written record, which was left open until December 11, 2023 at 5:00 p.m. and closed at that time. The hearings were held in a hybrid format, with attendance in-person but also utilizing remote conference technology as allowable under Chapter 2 of the Acts of 2023.

### **2.3 The Plan**

The following plans and documents submitted by the Applicant and contained in the Commission's project file constitute "the Plan." All pages are 8.5" x 11" unless otherwise noted.

- P1. C101 Deed Restriction Area Impact plan for YMCA Facility Addition and Renovations, prepared by RFS Engineering, scale 1 inch = 20 ft., consisting of one (1) 36" x 24" page, dated June 13, 2023.
- P2. Site Photometric Plan for the Field House Addition for the YMCA of Martha's Vineyard, prepared by Fennick McCredie Architecture, consisting of one (1) 48" x 36" page, scale 1 inch = 10 ft., dated August 9, 2023.
- P3. DRI Application Package Field House Addition for the YMCA of Martha's Vineyard, prepared by Fennick McCredie Architecture, consisting of nine (9) 48" x 36" pages, dated August 10, 2023, including: C001 Civil Notes, Legends & Abbreviations; C101 Existing Site Conditions, scale 1 inch

= 30 ft.; C201 Proposed Site Conditions, scale 1 inch = 30 ft.; C301 Site Grading & Erosion Control Plan, scale 1 inch = 20 ft.; C401 Erosion Control Details and Notes, not to scale; C501 Site Parking & Circulation Plan, scale 1 inch = 20ft.; C601 Civil Details, not to scale; C701 Impervious Cover, scale 1 inch = 30 ft.; and E-002 Site Photometric Plan, scale 1 inch = 10ft.

- P4. Revised DRI Application Package Field House Addition for the YMCA of Martha's Vineyard, prepared by Fennick McCredie Architecture, dated October 18, 2023, consisting of nine (9) 48" x 36" pages, including: C001 Civil Notes, Legends & Abbreviations; C101 Existing Site Conditions, scale 1 inch = 30 ft.; C201 Proposed Site Conditions, scale 1 inch = 30 ft.; C301 Site Grading & Erosion Control Plan, scale 1 inch = 20 ft.; C401 Erosion Control Details and Notes, not to scale; C501 Site Parking & Circulation Plan, scale 1 inch = 20ft.; C601 Civil Details, not to scale; C602 Civil Details, not to scale; and C701 Impervious Cover, scale 1 inch = 30 ft.
- P5. Floor Plans & Elevations Package Field House Addition for the YMCA of Martha's Vineyard, prepared by Fennick McCredie Architecture, dated October 18, 2023, consisting of six (6) 48" x 36" pages, scale  $\frac{1}{8}" = 1'-0"$ , including: A100 Floor Plan - Lower Level; A101 Floor Plan - Level 1; A102 Floor Plan - Level 2; A103 Roof Plan; A201 Exterior Elevations; and A202 Exterior Elevations.

#### **2.4 Other Exhibits**

- E1. Referral to the Martha's Vineyard Commission from the Oak Bluffs Building Department, received July 21, 2022.
- E2. Natural Heritage & Endangered Species Program Imperial Moth *Eacles imperialis* Fact Sheet, consisting of two (2) pages.
- E3. Natural Heritage & Endangered Species Program Pine Barrens Zale *Zale lunifera* Fact Sheet, consisting of two (2) pages.
- E4. Natural Heritage & Endangered Species Program Faded Gray Geometer *Sternoporpia polygrammaria* Fact Sheet, consisting of two (2) pages.
- E5. Nature Conservancy Gerhard's Underwing *Catocala Herodias gerhardi* Fact Sheet, consisting of one (1) page.
- E6. Letter from Mark Baumhofer, Chair of YMCA Facility Committee, to Everose Schülter, MA Division of Fisheries & Wildlife Natural Heritage and Endangered Species Program, consisting of one (1) page, dated July 17, 2007.
- E7. Letter from Thomas French, MA Division of Fisheries & Wildlife Natural Heritage and Endangered Species Program, to the YMCA of Martha's Vineyard, consisting of three (3) pages, dated August 9, 2007.

- E8. Declaration of Covenants Habitat & Open Space Conservation, consisting of six (6) pages, signed November 28, 2007 and recorded at the Dukes County Registry of Deeds in Book 1140, Page 653.
- E9. Email from Amy Coman and Everose Schülter, MA Division of Fisheries & Wildlife Natural Heritage and Endangered Species Program, to Paul Foley, MVC, consisting of one (1) page, dated August 31, 2009.
- E10. Letter from Landscape Inc. to Everose Schülter, MA Division of Fisheries & Wildlife Natural Heritage and Endangered Species Program, regarding mitigation plan for the revegetation of areas to the west and east of new YMCA building, consisting of one (1) page, dated March 15, 2010.
- E11. Joint letter from the Oak Bluffs Fire Department, Building Department and Water Department regarding water pressure mitigation, consisting of two (2) pages, dated April 10, 2023.
- E12. Energy Analysis and HVAC System Options for Martha's Vineyard YMCA prepared by BVH Integrated Services, consisting of eight (8) pages, dated April 11, 2023. BVH #22.6201.253
- E13. Parking Demand Assessment Memorandum from Jeffrey Dirk (Vanasse & Associates, Inc.) to Brian Mackey (YMCA), consisting of fifteen (15) pages, dated May 9, 2023.
- E14. Emergency Access & Construction impact within Deed Restriction area Memorandum from Katherina Brekka to Jesse Leddick, MA Division of Fisheries & Wildlife Natural Heritage and Endangered Species Program, consisting of six (6) pages, including P1, dated June 13, 2023.
- E15. Letter from Patrick Hickey, Facilities Manager & Chief Operator, Oak Bluffs Wastewater Department, to the MVC regarding the YMCA Expansion Project connection to the municipal wastewater system, consisting of one (1) page, dated August 11, 2023.
- E16. Description of Proposed Development and Summary of Impacts Memorandum from Katherine Brekka for YMCA of Martha's Vineyard - Field House Addition, consisting of seven (7) pages, dated August 15, 2023.
- E17. Staff Report for DRI 600-M2 YMCA Addition, consisting of six (6) pages, dated September 8, 2023.
- E18. Staff Presentation on DRI 600-M2 YMCA Addition to the Land Use Planning Committee, consisting of thirty-three (33) pages, dated September 11, 2023.
- E19. Letter from Everose Schlüter, MA Division of Fisheries & Wildlife Natural Heritage Endangered Species Program, to the YMCA of Martha's Vineyard regarding the construction of an addition to the existing YMCA facility, consisting of two (2) pages, dated October 19, 2023.
- E20. Public Hearing Notice for DRI 600-M2 YMCA Addition, consisting of one (1) page, dated November 2, 2023.

- E21. Staff Presentation on DRI 600-M2 YMCA Addition to the full Commission, consisting of thirty-one (31) pages, dated November 2, 2023.
- E22. Memorandum from Katherine Brekka with answers to Commissioner questions for DRI 600-M2, consisting of two (2) pages, dated November 20, 2023.
- E23. Letter from Fred Fournier, Landscape, Inc., to the MVC regarding mitigation and revegetation of areas disturbed during construction, consisting of one (1) page, dated December 5, 2023.
- E24. Nitrogen Calculations for YMCA of Martha's Vineyard Addition prepared by Schofield, Barbini & Hoehn, Inc., consisting of four (4) pages, dated December 5, 2023. MV 9211
- E25. Staff Presentation on DRI 600-M2 YMCA Addition Updates to the full Commission, consisting of four (4) pages, dated December 7, 2023.
- E26. Applicant's Offers for DRI 600-M2, submitted by Katherine Brekka, consisting of one (1) page, dated December 8, 2023.
- E27. Beacon Traverse LED Wall Mounted Lighting Cut Sheet, consisting of three (3) pages.
- E28. V15R-P 1.5" O.D. V-Rail Spot Point Source Lighting Cut Sheet, consisting of seven (7) pages.
- E29. Targetti Zedge Mini Miniature LED Steplight Lighting Cut Sheet, consisting of nine (9) pages.
- E30. Kim Lighting PA7R Impact Rated Bollard Lighting Cut Sheet, consisting of twenty-one (21) pages.
- E31. Three (3) letters of support from the following organizations: Martha's Vineyard Public Schools, Martha's Vineyard Community Services, and the Oak Bluffs Fire Department.
- E32. Minutes of the Land Use Planning Committee's Pre-Public Hearing Review, September 11, 2023.
- E33. Minutes of the Commission's Public Hearing, November 2, 2023.
- E34. Minutes of the Commission's Continued Public Hearing, December 7, 2023.
- E35. Minutes of the Land Use Planning Committee's Post-Public Hearing Review, December 11, 2023.
- E36. Minutes of the Commission's Deliberation & Decision, December 14, 2023.
- E37. Minutes of the Commission's Approval of the Written Decision, January 4, 2024.

## **2.5 Reports**

- R1. Transportation Impact Assessment for YMCA Capital Expansion Plan 111R Edgartown-Vineyard Haven Road, Oak Bluffs prepared by Vanasse & Associates, Inc., consisting of four hundred two (402) pages, dated May 2023.

## **2.6 Summary of Testimony**

The following gave testimony during the public hearing on November 2, 2023:

- Staff presentation by Rich Saltzberg, DRI Coordinator.
- Presentation of the project by Jill Robie-Axtell, YMCA Executive Director; Katherine Brekka, Architect; Jeffrey Dirk, Vanasse Associates (traffic consultant); and Fred Fournier, Island Landscaper.
- Oral testimony from Public Officials: none.
- Oral testimony from the Public:
  - Richard Smith, Superintendent of Martha’s Vineyard Schools
  - Doug Best,
  - Del Arujo, YMCA Employee
- Closing Statement: Jill Robie-Axtell and Katherine Brekka.

The following gave testimony during the continued public hearing on December 7, 2023:

- Staff presentation by Rich Saltzberg, DRI Coordinator.
- Presentation of the project by Katherine Brekka, Architect; Jill Robie-Axtell, YMCA Executive Director.
- Oral testimony from Public Officials speaking for their Boards: none.
- Oral testimony from the Public: none.
- Closing statement by Jill Robie-Axtell.

### **3. FINDINGS**

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#### **3.1 Project History**

The YMCA building was created following the approval of DRI 600 YMCA by the Commission on August 23, 2007. The Commission subsequently approved 600-M YMCA Landscape Modifications on April 15, 2010. In 2018, the YMCA absorbed the adjacent Martha’s Vineyard Ice Arena. The Ice Arena has been subject to numerous DRI reviews (see DRI 49, 49-M, 49-M2, 49-M3, 49-M4, 49-M5, 49-M6, 49-M7, and 49-M8).

#### **3.2 Project Description**

Construction of a 39,000 square foot addition to the existing YMCA building, replacement of a roof, mechanical upgrades, wastewater upgrades, creation of an emergency access way, installation of monumentation along the border of a deed restricted area, and improvements to exterior lighting.

#### **3.3 Statutory Authority**

The purpose of the Commission, as set forth in Section 1 of the Act, is to “protect the health, safety, and general welfare of island residents and visitors by preserving and conserving for the enjoyment of present and future generations the unique natural, historical, ecological, scientific and cultural values of Martha’s Vineyard which contribute to public enjoyment, inspiration, and scientific study by

protecting these values from development and uses which would impair them, and by promoting the enhancement of sound local economies.”

The Commission has reviewed the proposal as a Development of Regional Impact, using the procedures and criteria that the Commission normally uses in evaluation the benefits and detriments of such a proposal. The Commission has considered the Application and the information presented at the public hearing, including listening to all testimony presented and reviewing all documents submitted during the hearing and review period.

### **3.4 Benefits and Detriments**

Based on the record and testimony presented therein, the Commission finds the following pursuant to Sections 14 and 15 of the Act.

#### **A. THE COMMISSION FINDS THAT THE PROBABLE BENEFITS OF THE PROPOSED DEVELOPMENT WOULD EXCEED THE PROBABLE DETRIMENTS, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(a) OF THE ACT.**

The Commission finds that the probable benefits of the project outweigh the probable detriments, as described below. With respect to impacts upon the environment (Section 15(b) of the Act), impacts upon persons and property (Section 15(c) of the Act), and impacts on the supply of needed low to moderate-income housing for Island residents (Section 15(d) of the Act), the project would have a beneficial effect. The Commission finds the project would not adversely affect the provision of municipal services or burden on taxpayers (Section 15(e) of the Act) and would not unduly burden existing public facilities (Section (f) of the Act). The Commission finds the project would generally align with local planning objectives.

#### **A1. The Commission finds that the proposed development at this location is appropriate and essential in view of the available alternatives (Section 15(a) of the Act.)**

The Commission finds the scale of the building addition is appropriate to accommodate important YMCA services that are new or expanded. The Commission further finds the siting of the addition will not encroach on nearby deed restricted conservation land, specifically moth habitat, that due to this project will be far better delineated through signage and other monumentation. The Commission also finds the project, by directing all its wastewater flow into municipal sewer, will assist the Town of Oak Bluffs in the efficient operation of that sewer system while simultaneously lessening nitrogen infiltration into the Lagoon Pond watershed. As such, the Commission finds the project, at this time, is both appropriate and essential in light of the alternatives.

#### **A2. The Commission finds that the proposed development would have a beneficial impact upon the environment relative to other alternatives (Section 15(b) of the Act).**

With respect to Wastewater and Groundwater, considered primary factors in this decision, the Commission finds the project, as conditioned, would have beneficial effects because a previously planned, advanced septic system will never be built, and an existing septic system will be eliminated

due to an impending municipal sewer connection (this sewer connection will mitigate excess nitrogen in an impaired watershed and in a municipal well zone). The Commission also notes the following:

- The YMCA project site is located in the Lagoon Pond watershed and partially in the Oak Bluffs Water Supply Well Zone II.
- Wastewater from the YMCA building is disposed of through the Oak Bluffs sewer system.
- Wastewater from the Martha's Vineyard Ice Arena, a YMCA property adjacent to the YMCA building, is disposed of through a septic system.
- The YMCA planned to construct an advanced septic system to temporarily receive the additional wastewater flow generated by the proposed addition. Eventually, the YMCA planned to connect to the Oak Bluffs sewer system when capacity became available.
- The Oak Bluffs Wastewater Department has indicated that they anticipate providing sufficient capacity to handle the additional flow generated by the YMCA addition.
- Connecting the YMCA Expansion Project to Town Wastewater will be more cost effective than an I/A system.
- The YMCA also intends to connect the Martha's Vineyard Ice Arena to the municipal sewer system and eliminate the arena's septic system.
- Based on calculations generated by Engineer Chris Alley of Schofield, Barbini, and Hoehn, the project's nitrogen load is within the parameters set by Commission's Water Quality Management Policy. The MVC's Water Resources Planner concurred with this assessment.

With respect to Stormwater, Energy, and Open Space, the Commission finds the project would have beneficial effects because the drainage system has been overbuilt, because the heating cooling systems for the addition will not use any onsite fossil fuels and the roof of addition will be built solar ready, and because nearly half of the project site acreage will be maintained as open space.

With regards to Stormwater, the Commission also notes the following:

- The YMCA overbuilt the drainage system when it constructed the original building. The current drainage system is sufficient to accommodate the increased stormwater flow created by the addition.
- The existing shallow stormwater treatment basin located to the northeast of the site will be restored.

With regards to Energy, the Commission also notes the following:

- Following a full building energy analysis, the YMCA determined a fully electric HVAC system could be accomplished for the addition but not the entire building.
- The YMCA determined conversion to a building-wide, all-electric air or ground source heat pump system would realize further energy savings and reduced CO<sub>2</sub> emissions, however the YMCA submits that the upfront costs, higher maintenance costs and complexity to run and maintain these systems, especially in regard to the control systems, outweighed the potential benefits.



- The YMCA estimates conversion to all-electric air or ground heat source pump would amount to additional installation costs of \$2.4 million and \$3.6 million, respectively. Additional maintenance costs would apply to either conversion.
- The proposed fully electric standalone HVAC system for the new addition is to provide a roof mounted heat pump dedicated outdoor air system (DOAS) with energy recovery, paired to a heat recovery VRF system. This system is estimated to show a total energy savings of 17% over the baseline building for the combined building proposed HVAC systems. This energy reduction is due to the high performing envelope system proposed for the addition, as well as the full replacement of the existing roof and natatorium façade. Along with these envelope improvements, the high efficiency all electric VRF heating & cooling system removed all the on-site fossil fuel usage for the HVAC and DHW systems in the addition, which improved the building's energy usage. The energy modeling data demonstrates a predicted 4% annual savings of CO<sub>2</sub> emissions.
- The pool is heated via a heat exchanger from an existing propane boiler. The proposed project scope does not include changes to the pool heating system. Once the system reaches the end of its useful life and is ready to be replaced, which is estimated to be in 15 years, the YMCA will consider electric pool heating strategies. The current proposed renovation would not be a detriment to future electrification.
- The rooftop of the addition is designed to be "solar-ready," leaving open the possibility for future installations.
- The replacement roof for the original building will be built as "solar-ready."
- The YMCA is partnering with Cape Light Compact to continue to evaluate and optimize economically viable energy conservation measures that will reduce the facility's energy use intensity (EUI). Rooftop and parking lot solar arrays were considered for the project site. However, an ongoing grid study by Eversource and the Department of Public Utilities (DPU) has all projects over 25kW AC on hold until the study is completed, and grid upgrades are made. This could take years to complete, and limiting the installation to a 25kW array would only supply the Y with approximately 5-6% of their total annual electrical demand. The building addition rooftop is designed to be "solar-ready," leaving open the possibility for future installations.
- The YMCA followed LEED green building principles in the original construction of the building, but LEED certification was not achieved due to associated costs.
- The Ice Arena roof is fitted with solar panels.

With respect to Ecology and Habitat, considered a primary factor in this decision, the Commission finds the project would have beneficial impacts, as conditioned, because the YMCA, in consultation with the Natural Heritage and Endangered Species Program (NHESP), worked to tailor the project to adhere to a 2008 Declaration of Covenants, Habitat, and Open Space Conservation, received NHESP approval for its efforts, and thus has helped safeguard the habitat of four moth species that are considered by the Commonwealth to be either of special concern or threatened. The Commission also notes the following:

- The property maintains 49.6% of open space across a five-acre parcel.
- The YMCA project site contains deed restricted and/or NHESP habitat on its western and northern edges.
- The restrictions placed on the NHESP habitat are meant to safeguard four moth species: Faded Gray Geometer (threatened), Gerhard's Underwing (special concern), Imperial Moth (threatened), and Pine Barrens Zale (special concern).
- The restrictions were established through a Declaration of Covenants Habitat & Open Space Conservation recorded on January 11, 2008 in the Dukes County Registry of Deeds (Book 1140, Page 653).
- The YMCA proposes signage stating that protected moth habitat is present.
- The YMCA plans to install wildlife-friendly amber LED exterior light fixtures which emit light in a wavelength that is nearly invisible to wildlife and insects.
- The proposed fixtures adjacent to the deed restriction area will minimize any light spill into the conservation area.
- All site lighting will be turned off when the building is not in use.
- NHESP formally accepted the YMCA project in an October 19, 2023 letter.

**A3. The Commission finds that the proposed development would have a beneficial impact upon other persons and property (Section 15(c) of the Act).**

With respect to Traffic and Transportation, the Commission finds the project would have neutral effects based on the findings of a traffic study and a parking assessment. The Commission also notes the following:

- A May 2023 traffic impact study by Vanasse & Associates, Inc. concluded the project would result in no significant impacts.
- In 2023 the YMCA entered into a parking agreement with Martha's Vineyard Community Services to use its parking area during events like ice hockey games.

With respect to Social Development, considered a primary factor for this decision, the Commission finds the project would have a beneficial effect because it would help to enhance, expand or maintain numerous YMCA programs, services, and offerings under such categories as health and wellness, childcare, camps, fitness, the teen center, high school athletics, and seniors. The Commission also notes the following:

- The addition is planned to contain a field house, suspended track, cycling, dance and HIIT studios, among other spaces.
- The YMCA provides health and wellness programming to approximately 12,000 people annually.
- The YMCA offers the only indoor pool of its type on the Vineyard. In addition to members of the YMCA, the pool is utilized by the Martha's Vineyard Regional High School swim team. Swimming lessons are offered in the pool.
- The YMCA is home to the Vineyard's teen center and offers a safe after school destination for many high school kids.

- The YMCA provides \$178,000 in need-based financial assistance in membership discounts to more than 1,100 households per year.
- The YMCA offers camps, childcare, and programs for seniors.
- The YMCA and Martha’s Vineyard Regional High School have agreed to use the proposed Field House as a practice space for the new high school wrestling team.
- Following a 2018 merger with the Martha’s Vineyard Ice Arena, the YMCA provides a rink and programs for youth hockey and figure skating. According to the YMCA, 1,200 Vineyard youths participate in YMCA ice programs.
- This addition allows the YMCA to keep serving its function in the community and to offer more benefits.

With respect to Safety and Health, considered a primary factor in this decision, the Commission finds the project, as conditioned, would have beneficial effects because pumps the YMCA will provide would mitigate potential firefighting dangers to people and to property presented by low water pressure and would address concerns posed in writing by the Oak Bluffs Fire Department, Building Department, and Water Department. The Commission also notes the following:

- The Oak Bluffs Building Department, Fire & EMS Department and Water Department jointly expressed concern that the YMCA and its vicinity suffer from sporadic low water pressure that could delay lifesaving action on the part of the sprinkler systems resulting in the possibility of injury, death and more extensive property damage.
- The YMCA will install fire pumps to provide necessary water pressure for the building’s fire suppression system.

With respect to Impact on Abutters, the Commission finds the project would have a beneficial effect because the project has received written endorsements from two abutters, including Martha’s Vineyard Public Schools—lessor of the land on which the project will be erected and on which the original YMCA building sits—and received no written criticism from abutters. In addition to Martha’s Vineyard Public Schools, Martha’s Vineyard Community Services issued a letter of endorsement for the project.

**A4. In regard to the supply of needed low- and moderate-income housing for Island residents (Section 15(d) of the Act), the Commission finds that the project would have a beneficial impact.**

With respect to Island Housing Needs, the Commission finds the project, as conditioned, would have a favorable affect because the YMCA has fulfilled a previously unfulfilled \$71,000 affordable housing fund obligation and over the course of ten years will double the \$71,000 fund through annual contributions. The Commission also notes the following:

- Due to an apparent clerical error, the YMCA failed to fulfill an offer made in the DRI 600 decision for 16 years. That offer was to make an affordable housing contribution of \$7,100 each year for ten years to the Dukes County Housing Authority for YMCA employee rental subsidies. In 2023, the YMCA fulfilled the offer by establishing an affordable housing fund of \$71,000 to provide rental housing subsidies for YMCA employees. Upon completion of its project, the

YMCA has also committed to contributing \$7,100 a year for the next ten years to the same fund. The YMCA will oversee use of the funds to support its employee housing needs.

**A5. The Commission finds that the proposed development would have a beneficial impact on the provision of municipal services and the burden on taxpayers in the making provision therefore (Section 15(e) of the Act).**

With the understanding that The Oak Bluffs Building Department, Fire & EMS Department, and Water Department have requested pumps be installed at the YMCA to ameliorate fluctuating water pressure that could result in casualties and exacerbated property damage in the event of a fire, and with the further understanding that working with the Oak Bluffs Fire & EMS Department, the YMCA has designed access for emergency apparatuses on the northern side of the building and a narrower, walkway access area on the western side of the building, responsible steps have been taken to ensure that in the event of a significant emergency, a mutual aid response from bordering towns or all Island towns, will not be impeded by subpar access.

**A6. The Commission finds that the proposed development would use efficiently and would not unduly burden existing public facilities or those to be developed within the succeeding five years (Section 15 (f) of the Act).**

The YMCA's increased sewer capacity, as contemplated by the Oak Bluffs Wastewater Department, is anticipated to provide consistent, year-round wastewater flow. The Oak Bluffs Wastewater Department anticipates that consistent, year-round wastewater flow from the YMCA will assist in the efficient operation of the Town of Oak Bluffs sewer system.

**A7. The Commission finds that the project as proposed generally does not interfere with the ability of the municipality to achieve objectives set forth in the municipal general plan, and would not contravene land development objectives and policies developed by regional or state agencies (Sections 14(b), 15(g), and 15(h) of the Act), respectively.**

With respect to the MVC Island Plan, the project generally aligns with Social Environment sections S3-2 and S3-3, Built Environment section B5-1, and Water Resources section W3-1.

**A8. The Commission finds that the proposed development as conditioned is consistent with municipal ordinances and by-laws (Section 14(c) of the Act).**

The project is contingent on comprehensive permit approval, including zoning relief.

**B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WOULD BE CONSISTENT WITH THE LAND DEVELOPMENT OBJECTIVES OF THE COMMISSION, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(b) OF THE ACT.**

**C. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH MUNICIPAL DEVELOPMENT ORDINANCES AND BY-LAWS, TO THE BEST OF THE COMMISSION'S KNOWLEDGE.**

**D. THE COMMISSION FINDS THAT THE SITE IS IN CONFORMANCE WITH THE REGULATIONS OF DISTRICTS OF CRITICAL PLANNING CONCERN, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(d) OF THE ACT.**

The site borders the Southern Woodlands District of Critical Planning Concern (DCPC), however the property and proposed development do not fall within a DCPC. Access to the Project Site is within the Island Roads DCPC.

In sum, after careful review of the plan and its attendant submittals and the testimony presented by the Applicant and others, and the addition of conditions and offers, the Commission has concluded that the probable benefits of this proposed development in this location exceed its probable detriments in light of the considerations set forth in section 15 of the Act.

**4. DECISION**

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The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on December 14, 2023 and made its decision at the same meeting.

The following Commissioners, all of whom participated in the hearings and deliberations, or were rehabilitated, participated in the decision on December 14, 2023:

Voting to approve the project: Trip Barnes, Christina Brown, Jay Grossman, Fred Hancock, Michael Kim, Joan Malkin, Greg Martino, Kate Putnam, Ben Robinson, Doug Sederholm, Brian Smith, Ernie Thomas, Carole Vandal, Peter Wharton

Voting against: None

Absent: Jeff Agnoli and Kathy Newman

Ineligible to participate: Linda Sibley

Based on this vote, the Commission approved the application for the project as a Development of Regional Impact with conditions.

This Written Decision is consistent with the vote of the Commission on December 14, 2023 and was approved by a vote of the Commission on January 4, 2024.

**5. CONDITIONS**

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After reviewing the proposal for this Development of Regional Impact, the Commission imposes the following conditions in order to minimize the potential detriments and maximize the potential benefits:

*As offered by the Applicant:*

1. The YMCA will provide a fire pump within the new addition to provide the necessary water pressure for the fire suppression system. The fire pump room is located in the northeast corner of the fieldhouse, with direct access from the exterior (see A101 Floor Plan - Level 1, page 2 of P5 listed in this Decision). The Oak Bluffs Fire Chief has approved the fire pump room location.

2. When the propane boilers that were installed in 2007 approach the end of their useful life (estimated another 15 years), the YMCA will commission a life cycle cost analysis of electric alternatives for consideration.
3. The YMCA will commit to installing one dual port (Level-2) charging station for two Electric Vehicles, as well as exterior outlets for electric bike and/or scooter charging. These EV charging stations will be located near the main entrance to the YMCA (adjacent to existing accessible parking spaces).
4. The YMCA will disconnect the Ice Arena from the on-site septic system and connect to the Oak Bluffs wastewater treatment system. Within 6 months of the receipt of a Certificate of Occupancy for the addition, the applicant will provide documentation to the Commission confirming the actual wastewater generation discharged from the Ice Arena to the Oak Bluffs wastewater facility.

*Further conditions:*

5. The YMCA shall provide a final landscape plan to the Land Use Planning Committee (LUPC) for review and approval prior to the issuance of a Certificate of Occupancy. As part of the final landscape plan, the YMCA must include photographic evidence of the installation of monumentation and signage that marks the border of the Deed Restricted Area. The final landscape plan must include a mitigation and/or removal plan for the invasive plant species (Japanese Knotweed) identified by NHESP in its October 19, 2023 approval letter.
6. The YMCA shall present to the LUPC for review and approval photographic evidence that the construction work for the addition project, once complete, didn't result in tree, vegetation, or other habitat damage in the Deed Restricted Area. Review and approval of photographic evidence shall occur prior to the issuance of an Certificate of Occupancy.
7. The YMCA shall provide a final exterior lighting plan to the LUPC for review and approval prior to the issuance of a Building Permit.
8. The YMCA shall provide a final drainage plan to the LUPC for review and approval prior to the issuance of a Building Permit.
9. The YMCA shall provide evidence of the M.V. Ice Arena's connection to municipal sewer to the LUPC for review and approval prior to the issuance of Certificate of Occupancy.
10. With the understanding the YMCA has deposited \$71,000 into an affordable housing fund prior to this decision, the YMCA shall provide written evidence to Commission on an annual basis that shows the YMCA has added at least \$7,100 to the fund each year. Written evidence shall first be provided one year from the date of this decision and thereafter continue to be provided until ten years have elapsed. A total of \$71,000, at a minimum, must be deposited into the fund over the next ten years.

11. Any proposed modification to DRI 600-M2, including any change in use or intensity of use, shall be referred to the Commission for review and approval.

## **6. CONCLUSION**

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### **6.1 Permitting from the Town**

The Applicants must, consistent with this Decision, apply to the appropriate Town of Oak Bluffs Officers and Boards for any local development permits which may be required by law.

The permit-granting authorities of the Town of Oak Bluffs may now grant the request for approval of the Applicant's proposal in accordance with this decision and may place further conditions thereon in accordance with applicable law or may deny the request for approval. Any permit issued by the Town shall incorporate the plan approved by the Commission.

### **6.2 Notice of Appellate Rights**

Any party aggrieved by a determination of the Commission may appeal to Superior Court within twenty (20) days after the Commission has sent the development Applicant written notice, by certified mail, of its Decision and has filed a copy of its Decision with the Oak Bluffs Town Clerk.

### **6.3 Length of Validity of Decision**

The Applicant shall have two (2) years from the date of receipt of the Decision of the Martha's Vineyard Commission contained in this document to begin substantial construction.

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**6.4 Signature Block**

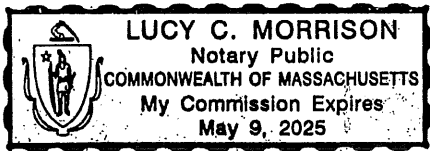
  
Fred J. Hancock, Chair

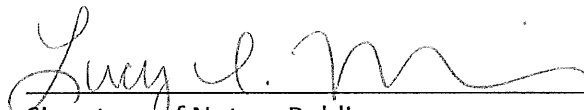
1-4-24  
Date

**6.5 Notarization of Decision**

Commonwealth of Massachusetts  
County of Dukes County, Mass.

On this 4<sup>th</sup> day of January, 2024, before me, Lucy C. Morrison, the undersigned Notary Public, personally appeared Fred J. Hancock, proved to me through satisfactory evidence of identity, which was personal knowledge to be the person whose name was signed on the preceding or attached document in my presence, and acknowledged to me that he signed it voluntarily for its stated purpose as a free act and deed, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.



  
Signature of Notary Public  
Lucy C. Morrison  
Printed Name of Notary  
My Commission Expires May 9, 2025

**6.6 Filing of Decision**

Filed at the Dukes County Registry of Deeds, Edgartown, on: January 16, 2024  
Deed: Book 1672, Page 622  
Document Number: 2024-219