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Decision of the Martha's Vineyard Commission

DRI 600 – Y.M.C.A. of Martha's Vineyard

1. SUMMARY

Referring Board: Building Inspector, Town of Oak Bluffs, MA

Subject: Development of Regional Impact #600
Y.M.C.A. of Martha's Vineyard

Project: To construct a 35,000 square foot recreational facility.

Owner: The Martha's Vineyard Regional High School

Applicant: The Y.M.C.A. of Martha's Vineyard

Applicant Address: P.O.B. 881, Vineyard Haven, MA

Project Location: 111 Edgartown-Vineyard Haven Road, Oak Bluffs, MA, part of Map 50 Lot 29 (5 of 25.2 acres).

Description: To construct a 35,000 square foot recreational facility with a pool, teen center, and family programs. The site occupies 5 acres within a larger 25.2-acre property owned by the High School.

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 August 23, 2007.

Written Decision: This written decision was approved by a vote of the Commission on September 6, 2007.

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

The exhibits listed below including the referral, the application, the notice of 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 March 19, 2007 by the Building Inspector 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, Sections 3.108 and 3.601.

2.2 Hearings

Notice: Public notice of public hearings on the Application was published in the Vineyard Gazette, May 25, 2007.

Hearings: The Commission held a public hearing on the Application that was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831 on June 7, 2007 and was continued to July 18, 2007. A continued public hearing on the Application was conducted on July 18 and continued to August 9, 2007. The public hearing on the Application was closed on August 9, 2007 with the exception of written material on the subject of geothermal heating systems.

2.3 The Plan

The following plans and documents submitted by the Applicant and contained in the Commission's project file constitute "the Plan."

- P1 "Design Development Documents", consisting of 101, 24" X 36" pages of architectural, structural, mechanical, electrical, civil, fire protection, and pool plans and details, prepared by Amsler, Mashek, MacLean, Architects, Inc., 65 Long Wharf, Boston, MA 02110, May 1, 2007.
- P2 "Campus Site Plan: Proposed Internal Traffic Sign Plan", consisting of one 11" X 17" sheet prepared by Amsler, Mashek, MacLean, Architects, Inc., 65 Long Wharf, Boston, MA 02110, April 9, 2007.
- P3 "Revised Campus Site Plan for MESA", consisting of one 11" X 17" sheet prepared by Amsler, Mashek, MacLean, Architects, Inc., 65 Long Wharf, Boston, MA 02110, July 11, 2007.
- P4 "Civil Details: C3.1", consisting of one 11" X 17" sheet of Bio-Retention Details prepared by Amsler, Mashek, MacLean, Architects, Inc., 65 Long Wharf, Boston, MA 02110, July 18, 2007.
- P5 "Civil Details: C3.2", consisting of one 11" X 17" sheet of Bio-Retention Details prepared by Amsler, Mashek, MacLean, Architects, Inc., 65 Long Wharf, Boston, MA 02110, July 18, 2007.
- P6 "Crosswalk Details", consisting of one 11" X 17" sheet prepared by MS Transportation Systems, Inc P.O. Box 967, Framingham MA, 01701, June 28, 2007.
- P7 "Drainage Areas Post-Development", consisting of one 24" X 36" sheet prepared by RFS Engineering P.C., 71 Water Street, Laconia, New Hampshire, 03246, Scale: 1" = 60', July 9, 2007.

- P8 "DRI Application # 600", consisting of 27 pages of project information and summaries, prepared by Amsler, Mashek, MacLean, Architects, Inc., 65 Long Wharf, Boston, MA 02110, April 9, 2007.
- P9 "DRI Application # 600: Addendum No. 1", consisting of 15 pages of answers to commissioner questions, prepared by Amsler, Mashek, MacLean, Architects, Inc., 65 Long Wharf, Boston, MA 02110, July 3, 2007.
- P10 "Traffic Impact and Access Study", consisting of 37 pages of existing traffic conditions and projections prepared by MS Transportation Systems, Inc., P.O. Box 967, Framingham MA, 01701 May, 2007.
- P11 "Drainage Calculation", consisting of one booklet with design assumptions, summaries, and calculations prepared by RFS Engineering P.C., 71 Water Street, Laconia, New Hampshire, 03246, Scale: 1" = 60', July 2007.

2.4 Other Exhibits

- E1. Referral to the MVC from the Oak Bluffs Building Inspector March 19, 2007.
- E2. Staff Report, by Paul Foley, MVC DRI Coordinator, and Bill Wilcox, MVC Water Resource Planner, with the assistance of other staff members, March 30, 2007, revised June 6, 2007, revised July 17, 2007, revised August 9, 2007.
- E3. Review of YMCA Traffic Impact and Access Study, by Charles C. Crevo, Ph.D., P.E. of C3 Consulting Group for the Martha's Vineyard Commission, with the assistance of Jim Miller, MVC Traffic Planner, May 23, 2007.
- E4. Letters from 8 citizens of Martha's Vineyard.
- E5. Minutes of the Commission's Land Use Planning Committee meeting, April 9, 2007.
- E6. Minutes of the Commission's Land Use Planning Committee meeting, August 13, 2007.
- E7. Minutes of the Commission's Land Use Planning Committee meeting, August 20, 2007.
- E8. Minutes of the Commission's Public Hearing, June 7, 2007
- E9. Minutes of the Commission's Continued Public Hearing, July 18, 2007.
- E10. Minutes of the Commission's Continued Public Hearing, August 9, 2007.
- E11. Minutes of the Commission Meeting of August 23, 2007 – Deliberations and Decision.
- E12. Minutes of the Commission Meeting of September 6, 2007 – Approval of the Written Decision.

2.5 Summary of Testimony

The following is a summary of the principal testimony given during the public hearing.

- Presentation of the project by Mark Baumhofer, Ken MacLean, Stephanie Mashek, John Clese, Judy Crawford, John King, and Chuck Hughes.
- Staff reports by Paul Foley, MVC DRI coordinator; Bill Wilcox, MVC Water Planner; Mark London, Executive Director.
- Oral testimony from Town Boards or members of Town Boards:

- Oral testimony from Public:

3. FINDINGS

3.1 Project Description

- The site occupies 5 acres within a larger 25.2-acre property owned the High School also occupied by MV Community Services and the Skate Park.
- The proposal is to construct a 35,000 square foot recreational facility with a pool, teen center, and family programs.
- The YMCA will be leasing the land from the High School in exchange for pool time for a High School Swim Team.
- The building budget is \$11,000,000.

3.2 Findings of Fact

The Commission makes the following findings about the YMCA of Martha's Vineyard project.

- The Manager of the Oak Bluffs Wastewater Facility has assured the Commission that there is adequate capacity in the wastewater facility to accommodate the proposed hook-up of the high school campus and YMCA to the Oak Bluffs wastewater facility. He has further said that the proposed hook-up will not negatively affect the schedule for facility expansion or upgrade and that Oak Bluffs taxpayers will not incur financial obligations due to a need to upgrade the wastewater facility earlier than originally planned.
- The High School leaching field will not be sent more than 20,000 gallons per day of effluent to leach.
- The Martha's Vineyard Commission notes that this site is located in a nitrogen-sensitive watershed.
- The Manager of the Oak Bluffs Water District has assured the MVC that there is an adequate supply of water and adequate infrastructure to support the Applicant's project. He has further said that the project will not disrupt service to existing customers and it will not hasten capital expenditures to expand water infrastructure
- The Martha's Vineyard Commission notes that the applicant has offered to cooperate with the Martha's Vineyard Commission's review of this project's anticipated impacts and the effectiveness of the mitigation and conditions. The review will be performed within three years of the issuance of the Certificate of Occupancy.

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 evaluating 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 the testimony presented and reviewing all documents and correspondence 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 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.

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

The Commission finds that this project will allow a not-for-profit organization to provide much-needed recreational, social, and community services to Vineyard residents and visitors of all ages. The Commission finds that the project site is land that has been designated by the High School as future development, and that the High School will be a direct beneficiary of the services provided. The Commission notes that the YMCA has played an important role in catalyzing the efforts of the High School and other abutters to prepare a campus plan and to come up with a shared solution to wastewater treatment for the area.

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

With respect to Wastewater and Groundwater, the Commission finds that the YMCA has been working with the High School to not only reduce the nitrogen loading from the YMCA, but to also reduce the overall nitrogen from wastewater from the High School and potentially other buildings in the campus area. The Commission notes that the potential transfer of nitrogen from other watersheds into a nitrogen-sensitive watershed would be a detriment.

With respect to Open Space, Natural Community and Habitat, the Commission finds that much of the property, including the area between the YMCA property and the road, will be preserved as open space. This includes area of pitch pine, which is habitat for rare moths. The Commission notes however that the site is comprised of prime agricultural soils.

With respect to Night Lighting and Noise, the Commission finds that the project will add some noise and night lighting to the area, however the location is such that it should have minimal impact on abutters.

With respect to Energy and Sustainability, the Commission notes that the project will be LEED certified. Also, the possible use of geo-thermal heating could be a model for using sustainable energy on a large public project.

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

With respect to Traffic and Transportation, the Commission notes that the project will increase traffic in the area. However, it finds that parking has been minimized as part of the campus plan, which was

produced with the YMCA's neighbors. Parking areas have been reduced through the use of shared parking with neighboring institutions.

With respect to Scenic Values, Character, and Identity: the Commission finds that the project will provide a recreational and social center for the Island community. The Commission notes that the building will be partly visible from the road but that it will be an eco-friendly building.

With respect to the Economy, the Commission also notes that the project will create year-round jobs.

With respect to the Impact on Abutters, the Commission finds that the project is located in an area where there are large institutional buildings and that the site does not directly abut a residential neighborhood, thereby minimizing its impacts. It notes that the YMCA has entered into a cooperative relationship with the institutional abutters.

A4 The Commission finds that the proposed development would have a beneficial impact upon the supply of needed low and moderate income housing for Island residents (Section 15(d) of the Act).

The Commission finds that the YMCA will make a donation to an affordable housing entity in line with the Commission's Affordable Housing Policy and will be providing a membership subsidy to people eligible for affordable housing..

A5 The Commission finds that the proposed development would have minor impacts on the provision of municipal services or burden on taxpayers in making provision therefore (Section 15(e) of the Act).

The Commission finds that campus coordination has distributed certain costs across the Island, rather than solely burdening Oak Bluffs. The Commission also notes the access to a swimming pool and all of the programming provided by the YMCA to the community.

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

The Commission finds that the proposal will have add a much-needed swimming pool to the High School. Its provision of a range of public facilities will have a positive impact on the Island. .

A7 The Commission finds that the proposed development does not interfere with the ability of the municipality to achieve the objectives set forth in the municipal general plan. (Section 15(g) of the Act).

A8 The Commission finds that the proposed development would not contravene land development objectives and policies developed by regional or state agencies. (Section 15(h) of the Act).

The Commission notes that the development is consistent with the policies of the Martha's Vineyard Commission Regional Policy Plan, adopted by the vote of the Martha's Vineyard Commission, June 1991.

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 such as those relating to wastewater and future traffic mitigation, the Commission has concluded that the probable benefits of this proposed development in this location exceed its probable detriment in light of the considerations set forth in section 14(a) of the Act.

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.

The requested project, as a whole, advances the Commission's land development objectives, as outlined in the Martha's Vineyard Commission Regional Policy Plan adopted by the Commission in June 1991, and as noted previously in section A8 of this decision.

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.

The Commission finds that the project is subject to Special Permit review by the Planning Board and the project may require a variance for exceeding the 32' height limitation from the Zoning Board of Appeals of the town of Oak Bluffs. In the event that it requires a variance, the Commission finds that this inconsistency is necessary to enable a substantial segment of the population of the Vineyard community to secure adequate opportunities for recreation.

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 Commission finds that the proposed development access is within the Island Roads DCPC and that the back of the project borders the Oak Bluffs Southern Woodlands DCPC.

4. DECISION

The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on August 23, 2007 and made its decision at the same meeting.

The following Commissioners, all of who participated in all hearings and deliberations on this project, participated in the decision on August 23, 2007.

- Voting in favor: John Breckenridge; Christina Brown; Pete Cabana; Mimi Davisson; Chris Murphy; Kathy Newman; Ned Orleans; Doug Sederholm; and Linda Sibley.
- Voting against: None
- Abstentions: None

Based on this vote, the Commission approved the application for the project as a Development of Regional Impact with the conditions listed in section 5 below.

This written Decision is consistent with the vote of the Commission August 23, 2007 and was approved by vote of the Commission on September 6, 2007.

5. CONDITIONS

After reviewing the proposal for this Development of Regional Impact, the Martha's Vineyard Commission imposes the following conditions in order to increase the benefits and minimize the detriments of the project. The analysis of benefits and the resulting decision to approve the project is based on the proposal as modified by these conditions. These conditions form an integral and indispensable part of this decision.

These conditions are an essential part of this decision and shall be enforced as written. If the Commission finds it necessary to seek judicial relief to enforce the condition, the Applicant, or its successors in title at the time of such proceedings, shall pay the Commission's attorney's fees and costs incurred in obtaining judicial relief.

1 Wastewater

- 1.1 As offered by the Applicant, the YMCA of Martha's Vineyard shall join the High School in a joint wastewater treatment solution for both buildings. This currently involves pumping the wastewater to the Oak Bluffs Wastewater Treatment Facility and pumping the treated wastewater back to a leaching field on the High School property. This plan has been approved by the HS Land Use Subcommittee, the High School Committee, and the Oak Bluffs Wastewater Commission.
- 1.2 As offered by the Applicant, the YMCA of Martha's Vineyard shall pay a share of the cost of construction and operation of the joint wastewater treatment solution equal to its share of the combined High School / YMCA flow, with a minimum of 10%.

2 Stormwater

- 2.1 As offered by the Applicant, the YMCA of Martha's Vineyard will include one bio-retention basin and bio-retention swales on the site (as shown on the July 18 plan).
- 2.2 As offered by the Applicant at the August 9, 2007 public hearing the YMCA of Martha's Vineyard will make the grassy area between the Arena and the Skate Park a bio-retention basin rather than a swale if it is satisfactory to NHESP and can be engineered.
- 2.3 The YMCA of Martha's Vineyard will submit an operations and maintenance plan to the LUPC for review and approval for the stormwater system including bio-retention swales and basins, catch basins, and downstream defender treatment units.
- 2.4 The final Stormwater Management Plan shall be submitted and is subject to review by staff and approval of the LUPC prior to construction. The Applicant shall provide full-size construction documents of the site plan and civil engineering details for the stormwater system including bio-retention swales and basins, catch basins and downstream defender treatment units. The Applicant shall provide plan-view details of the bio-retention forebays and basins in addition to cross sections. It is recommended that the plans for the bio-retention areas meet the design specifications as prepared for the MV Hospital including the following suggestions: 1) The outflow from the forebay should not be designed directly opposite the inflow of the bio-retention basin to prevent clogging of the spillway; 2) The overflow spillways from both the forebays and the bio-retention outlets should be stabilized with erosion control matting or other suitable material such as rip rap.

3 Affordable Housing

- 3.1 As offered by the Applicant, the YMCA of Martha's Vineyard shall make a contribution of \$7,100 a year for ten years to the Dukes County Regional Housing Authorities Rental Conversion Program to be specifically limited to eligible YMCA employees.
- 3.2 As offered by the Applicant, the YMCA of Martha's Vineyard shall provide a minimum of \$80,000 a year for subsidized memberships to Island families that qualify or are likely to qualify for affordable housing. (This \$80,000 represents about 8% of the anticipated annual membership fees. The YMCA anticipates that these subsidies will be considerably higher than the minimum.)
- 3.3 As offered by the Applicant the YMCA of Martha's Vineyard shall consider creating staff housing in phase 2.

4 Landscaping

- 4.1 As offered by the Applicant, a final landscaping plan, including an implementation timetable, showing plant species and locations shall be submitted for the review and approval of LUPC before construction begins. All landscaping plans shall use best management practices.
- 4.2 As offered by the Applicant, all fertilizers shall be slow-release, water-insoluble nitrogen source types. No synthetic pesticides including herbicides, fungicides and/or insecticides shall be used in the maintenance of landscaping.
- 4.3 As offered by the Applicant, the YMCA of Martha's Vineyard will not be using Town water for outdoor landscape use, only collected and recycled rainwater.
- 4.4 The landscaping plan shall include trees that will create a canopy to help shade parking, absorb nitrogen and reduce heat in the pavement. In the perimeter of the building, non-native plants including cool season grasses for a lawn may be used; all landscaping outside of that perimeter shall be native plants only, predominately pitch pine and scrub oak with limited areas in native grasses such as little bluestem and switch grass
- 4.5 The YMCA shall include landscape plans for the bio-retention swales and basins. Specific plants and quantities shall be noted. It is recommended that plantings are not placed too close to the inflow points of the catch basins to prevent overcrowding.

5 Exterior Lighting

- 5.1 As offered by the Applicant, any landscape lighting shall extend no more than four (4) feet above the ground.
- 5.2 As offered by the Applicant, any security lighting shall be motion sensitive.
- 5.3 As offered by the Applicant, all exterior lighting shall be downward shielded to prevent direct light from escaping the property.
- 5.4 The only lighting that shall be allowed is that required by code and it shall be either motion-sensitive or on timers to ensure that they are turned off during the day as well as turned off during the night when the building is not occupied.
- 5.5 Any lighting mounted on the sides of buildings facing or perpendicular to the habitat for rare and endangered species shall be shielded to shine down only, preventing any spillage in a horizontal direction, and shall use yellow "bug light" bulbs. There shall be no sodium vapor lights and bug zappers shall be prohibited.

6 Waste/Recycling

- 6.1 As offered by the Applicant, recycling bins shall be in use and emptied regularly.
- 6.2 As offered by the Applicant, all kitchen oil shall be recycled and given to an Island supplier of bio-diesel willing to come and pick it up.

7 Open Space

- 7.1 As offered by the Applicant, the project shall be developed in such a way as to retain at least 45% in Open Space.
- 7.2 As offered by the Applicant, the YMCA of Martha's Vineyard shall maintain a no-build zone in the rear of the YMCA property as shown on the plan.

8 Habitat

- 8.1 As offered by the Applicant, the YMCA of Martha's Vineyard has filed with MESA and is in the process of negotiating a final plan with the Massachusetts Natural Heritage and Endangered Species Program.
- 8.2 As offered by the Applicant the YMCA of Martha's Vineyard shall comply with the final negotiated plan with NHESP.
- 8.3 The YMCA shall permanently protect habitat within the leased YMCA property but outside the proposed limit of work by placing a Conservation Restriction approved by the NHESP and agreed to by the Martha's Vineyard Regional High School. This Conservation Restriction must be in place at the time the Certificate of Occupancy is issued.

9 Energy/Sustainability

- 9.1 As offered by the Applicant, the YMCA of Martha's Vineyard is committing to achieve initiatives that would gain LEED (Leadership in Energy and Environmental Design) Certification with a higher goal of Silver Certification
- 9.2 As offered by the Applicant, the YMCA of Martha's Vineyard shall design the building structure and systems to accept the installation of solar panels on the roof for domestic hot water and/or for electrical generation. The YMCA shall install these panels in the future if and when funding is available.
- 9.3 As offered by the Applicant, the YMCA of Martha's Vineyard shall conduct a sensitivity analysis of their geothermal cost comparison study to ensure that the YMCA's final decision is based on full and accurate information.

10 Transportation

- 10.1 As offered by the Applicant, the YMCA of Martha's Vineyard shall create 57 new spaces on the Y property subject to MESA approval.
- 10.2 As offered by the Applicant, there shall be a minimum of 50 shared parking spaces at the rear of the MV Arena available to the YMCA, especially for special events.
- 10.3 As offered by the Applicant, the YMCA of Martha's Vineyard shall landscape the 22 spaces adjacent to the YMCA property on the Arena Property according to the plan, as well as the landscape screening, subject to the approval of the MV Arena and all permitting authorities.

- 10.4 As offered by the Applicant, raised internal crosswalks shall be incorporated in two locations as noted on the MS Transportation Campus Plan drawing, to be located at the walkway from the YMCA front door and at the crosswalk in the shared YMCA/Arena access drive.
- 10.5 As offered by the Applicant, a dedicated bus drop off and shelter shall be located on the west end of the drive in front of the YMCA.
- 10.6 As offered by the Applicant, the YMCA shall participate in the design and construction of two crosswalks across Edgartown-Vineyard Haven Road and will contribute \$10,000 minimum to this work.
- 10.7 As offered by the Applicant, if there is an agreement between the VTA and others to move the bus stop now in front of the Skate Park on Edgartown Vineyard Haven Road closer to Woodside Village Road, the YMCA shall contribute \$5,000 towards relocation of the stop and landscaping in front of the Skate Park.
- 10.8 The YMCA shall carry out an informational campaign promoting the use of buses to their employees and members.

11 Scheduling of Construction Process

- 11.1 As offered by the Applicant, the construction managers for the YMCA shall coordinate heavy load deliveries with construction managers from the MV Hospital and the Beach Road drawbridge projects to minimize traffic impacts and shall keep town officials informed.

12 Walking Trails

- 12.1 As offered by the Applicant, the existing path connecting to the Old Holmes Hole Road shall be maintained as is, providing access by foot and bicycle through the YMCA site.

13 Economic Impact

- 13.1 As offered by the Applicant the YMCA of Martha's Vineyard is committed to buying local products whenever possible but realizes that some items like commercial pool supplies and equipment may not be available on the Island. The Y is committed to providing qualified Island-based subcontractors the opportunity to bid on the project.
- 13.2 As offered by the Applicant the YMCA of Martha's Vineyard shall make every effort to find a membership level that is affordable to individuals and families. (The YMCA of Martha's Vineyard believes that everyone should pay something to join the Y but understand there are always special circumstances. The Y's endowment and annual fundraising will help keep membership rates low.)

14 Pool

- 14.1 As offered by the Applicant, the pool water shall be treated with Miox. (Miox is a water purifying system that uses salt electrolysis to create mixed oxidants and chlorine (HOCl) to treat pool water.)

15 Architectural Detailing

- 15.1 As offered by the Applicant, final architectural details shall be submitted for the review and approval of the LUPC before a Building Permit will be issued.

16 Substantial Alterations

16.1 As offered by the Applicant, should the applicant, substantially alter the use of the premises from the proposed uses, it shall return to the Martha's Vineyard Commission to request approval of these changes

17 Certificate of Compliance

17.1 The Executive Director of the Martha's Vineyard Commission may issue Certificates of Compliance, which shall be conclusive evidence of the satisfaction of the Conditions recited herein.

6. CONCLUSION

6.1 Permitting from the Town

The Applicant 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.

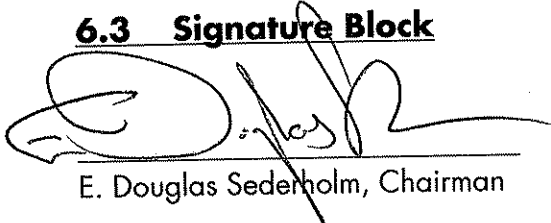
6.2 Notice of Appellate Rights

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. Should substantial construction not occur during said two (2) year period, this Decision shall become null and void and have no further effect. This time period may be extended upon written request from the Applicant and written approval from the Martha's Vineyard Commission.

6.3 Signature Block



E. Douglas Sederholm, Chairman

9-20-07
Date

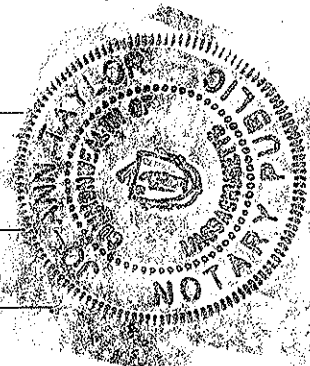
6.4 Notarization of Decision

Commonwealth of Massachusetts
County of Dukes County, Mass.

On this 20th day of September, 2007, before me,
Jo-Ann Taylor, the undersigned Notary Public, personally
appeared E. Douglas Soderholm, proved to me through satisfactory evidence of identity,
which was/were driver's license to be the person(s) whose name(s)
was/were signed on the preceding or attached document in my presence, and who swore or affirmed to
me that the contents of the document are truthful and accurate to the best of his/her/their knowledge and
belief.

Jo-Ann Taylor
Signature of Notary Public

Jo-Ann Taylor
Printed Name of Notary
My Commission Expires February 11, 2011



6.5 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: 9-25-07

Deed - Book , page

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Attest: Deanne E. Powers Register