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**Minutes of the Commission Meeting
Held on May 21, 2009
In the Stone Building
33 New York Avenue, Oak Bluffs, MA**

IN ATTENDANCE

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

- | | |
|---|--------------------------------------|
| P James Athearn (E – Edgartown) | P Ned Orleans (A – Tisbury) |
| P Bill Bennett (A- Chilmark) | P Jim Powell (A – West Tisbury) |
| P John Breckenridge (A – Oak Bluffs) | - Camille Rose (A - Aquinnah) |
| P Christina Brown (E - Edgartown) | P Doug Sederholm (E – Chilmark) |
| P Peter Cabana (A – Tisbury) | - Casey Sharpe (A – Oak Bluffs) |
| - Martin Crane (A – Governor Appointee) | P Linda Sibley (E – West Tisbury) |
| - Carlene Gating (County Appointee) | - Holly Stephenson (E – Tisbury) |
| P Chris Murphy (A – Chilmark) | - Andrew Woodruff (E – West Tisbury) |
| P Katherine Newman (A –Aquinnah) | |

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Analyst/Planner), Christine Flynn (Economic Development and Affordable Housing Planner), Mike Mauro (Planner – Transportation)

The meeting was called to order at 7:30 p.m.

**1. SAM DUNN/SALTWATER RESTAURANT: DRI NO. 485-M4 -
MODIFICATION/CONCURRENCE REVIEW**

Commissioners present: J. Athearn, B. Bennett, J. Breckenridge, C. Brown, P. Cabana, C. Murphy, K. Newman, N. Orleans, J. Powell, D. Sederholm, L. Sibley

For the applicant: Sam Dunn (applicant)

Paul Foley gave the staff report.

- Saltwater currently has 62 seats. The applicant wants to screen in the patio and add 15 seats.
- LUPC voted unanimously to recommend that the Commission find that this is not a significant change requiring a public hearing, and that it approve the modification.

Sam Dunn, applicant, reported that he has already been before four Town Boards for approvals.

Linda Sibley reported that LUPC unanimously recommended that the Commission find that this is an insignificant change not requiring a public hearing.

Doug Sederholm moved, and it was duly seconded, that this is an insignificant change not requiring

- **John Breckenridge** asked about the tent in front of the restaurant.
- **Sam Dunn** explained that Saltwater is hosting a wedding on Saturday afternoon. They will not be hosting events in the summer. The restaurant is paying a fee to the condominium association for use of the condo grounds.
- **John Breckenridge** said he is not opposed to the proposal, but Commissioners and the public should be aware of the changes in the area.
- **Sam Dunn** pointed out that the lot is six acres, one of the largest in the area. In the evenings the lot is empty so there hasn't been a need to send restaurant customers to the back lot to park. Additional structures are limited to two sites on the lot.

A voice vote was taken. In favor: 11. Opposed: 0. Abstentions: 0. The motion passed.

Doug Sederholm moved, and it was duly seconded, to accept the modification.

A roll call vote was taken. In favor: B. Bennett, J. Breckenridge, C. Brown, P. Cabana, C. Murphy, K. Newman, N. Orleans, J. Powell, D. Sederholm, L. Sibley. Opposed: None. Abstentions: J. Athearn. The motion passed.

2. MINUTES

Commissioners present: J. Athearn, B. Bennett, J. Breckenridge, C. Brown, P. Cabana, C. Murphy, K. Newman, N. Orleans, J. Powell, D. Sederholm, L. Sibley

2.1 July 24, 2008 and January 8, 2009

Chris Murphy moved, and it was duly seconded, to approve the minutes of July 14th and January 28th with the following corrections:

- July 24th: Doug Sederholm had recused himself. Delete his name from Page 8.

A voice vote was taken. A majority of Commissioners voted to approve the minutes as corrected.

3. CHAIRMAN'S REPORT

Christina Brown reported that Mark London and Christina sent preliminary comments to the Oceans Advisory Committee regarding the Ocean Management Plan. It included concerns about data with respect to birds and fishing areas, and that because Martha's Vineyard is so economically dependent on tourism which is related to scenic character, the impact of wind turbines on views is a matter of concern.

Christina Brown reported that she, Bill Veno, and Mark London attended a workshop with the Governor's appointee on revisions to the zoning act, called the Land Use Partnership Act. Changes might be implemented which would affect planning boards' discretion in reviewing projects.

4. 1986 EVELYN WAY REALTY TRUST: DRI NO 576-M – PUBLIC HEARING

Commissioners present: J. Athearn, B. Bennett, J. Breckenridge, C. Brown, P. Cabana, C. Murphy, K. Newman, J. Powell, D. Sederholm, L. Sibley

For the applicant: Ken and Chris Fosdick, applicants; Doug Hoehn, project manager; Allied Waste Representative

Linda Sibley opened the public hearing and read the hearing notice.

4.1 Staff Report

Paul Foley gave the staff report.

- The applicants are proposing to build a mixed-use commercial building with an apartment above, with a 6,000 square foot footprint, three industrial bays, and an office, for a total of 7,500 gross square feet of floor space.
- This is an allowed use within the B2 District.
- There are residences within a quarter mile.
- The project was referred as a new industrial commercial development over 3,000 square feet.
- The project was originally referred in 2003 but the owners now have a tenant, Allied Waste, which is trying to consolidate its locations.
- The property lies along one of the proposed spurs of the connector road. A question is how the landscaping and curbcuts could complement the connector road.
- There are about forty dumpsters of various sizes already on the property plus the ones on the existing facility. One question is how will 50 plus dumpsters be handled, cleaned and stored.
- There is an offer that they will protect the existing living trees as much as possible.
- The current site plan has been updated to show existing trees.
- The applicant has offered the standard Commission exterior lighting offers.
- Another issue is with the twelve trucks while in reverse creating a lot of beeping noise.
- It is not in a nitrogen sensitive watershed. The parking surface will be recycled asphalt product (RAP). The applicant has submitted offers regarding stormwater. Cleaning of dumpsters could be an issue.
- There are two accesses proposed.
- The site plan shows 37 parking spaces for cars and trucks, which should be more than enough parking for the cars and trucks. A question is whether the applicant will have a plan for parking and screening the dumpsters.
- The traffic report: based on data, 1,235 vehicles in the afternoon peak pass on State Road with average daily traffic of 14,000 vehicles a day passing. Trip generation for the project is about 57 trips a day. Thus the amount of traffic generated from this project will have a minimal impact on the overall traffic on State Road. Sight lines are adequate for the posted speed limit.
- The staff apartment will be dedicated to employees. There will be 2 to 4 employees on site daily.
- This would appear to be an appropriate site for this use. A key issue is ensuring that landscaping is appropriate since the Tisbury connector road will pass along the site.

4.2 Applicant's Presentation

Doug Hoehn began the applicant's presentation.

- The site is 37,000 square feet.
- The plan has been modified to do the things that Henry Stephenson (Tisbury Planning Board) and Paul Foley suggested. The entrance is not lined up directly with Evelyn Way.
- Henry and Fred LaPiana have a vision that Evelyn Road will be a spur of the connector roads. The idea is to move the road over a little further and to smooth out the curve. The Evelyn Way spur hasn't been voted on yet by the town. The applicants are willing to participate in the plan. The town may want an easement across the corner of the lot.
- The parking area will be a R.A.P. surface. They're willing in their offers to adjust the corners.
- The landscape plan will come back to LUPC. They agreed to a buffer of variable width and some sort of buffer along the side. They'll come back with a plan that also addresses fencing around the back to screen the overflow area and dumpster storage.
- The office is 1500 square feet for four employees with the three bedroom residential unit above it. The rest is warehouse and shop space.
- Parking area run-off will run to the vegetated edges.
- The fourth bay is now part of the plan for construction in the initial phase, and will be shop space.
- The applicant submitted a list of offers.
- Ken Fosdick said they will participate in a road association if one is formed.

Chris Fosdick added that both sides of the building that will be seen from the street will be clapboard siding. The entranceway will probably be a standing seam metal roof. They may do vertical barnboard or clapboard. It will look as New England-y as an industrial building can.

Ken Fosdick explained that they hire a special contractor company from off-island to power wash the dumpsters.

- For the wastewater from the power washing the special contractor creates a covered bermed area with sheets and drainage to contain the waste water which is reclaimed and pumped into a truck and disposed of off-island.
- Debris is treated as trash and doesn't go into the vegetative buffer.
- Ten or fifteen dumpsters currently at the site will be moved off-island.
- The roll-off truck is the only one that backs up. There is a minimal amount of backing up in the morning. Though trucks do back up to park in the evening.
- They have four different locations and want to consolidate to one. The housing will be free to employees.
- Very rarely do people come to the office.
- Traffic actually will be reduced because there won't be travel between locations.

Doug Hoehn explained that the parking area will be loose aggregate used for parking and driving.

John Breckenridge suggested that the applicant work on the wording for working with Town of Tisbury to maintain lines of sight.

There was a discussion of trucking.

- The **Allied Waste representative**, Brian Smith, explained that they do have tandems.
- **John Breckenridge** said that turning tandems onto State Road might be a problem. He wondered whether there should be an offer or condition saying there will be no tandems.
- **Brian Smith** and **Ken Fosdick** explained that tandems are rare and that when the new connector road is built, the trucks will generally avoid State Road.

Chris Fosdick confirmed that they will be vacating other sites and consolidating on the Evelyn Way site.

Jim Athearn asked about the proposed fence. **Doug Hoehn** said that the fence is for visual screening and security; it could be wooden or chain link; the fence will be on the final landscaping plan.

Jim Powell asked whether the applicants anticipate that by cleaning up the entire area, best practices will be encouraged along Evelyn Way. **Doug Hoehn** and **Chris Fosdick** said their site will definitely be cleaner and more organized.

Peter Cabana asked whether the applicants had worked with the town to set the alignment. **Doug Hoehn** said he would mention it to Fred; although the connector has not been funded, the flow of the curve has been discussed.

4.3 Public Comment

Dave DiGregorio, an abutter, spoke about the project.

- It's mostly industrial neighbors but there are residential neighbors.
- It's a dumpsite that's been left to decay. Although, in the neighborhood, they're the best neighbor there is.
- In front of the property there are burned out cars. **Chris Fosdick** said that the cars are not theirs and are on Town property.
- He asked when the container cleaning would take place because it is audible.
- The trees don't provide sound or site screening.
- The apartment above the building doesn't seem appropriate because the site could be a dangerous breeding ground for rats and raccoons. He wouldn't want to see anyone living there, especially minors.

Doug Hoehn said they hadn't considered screening along the sides of the property, but they'll look at it. They hadn't intended to fence around the back side or create tight security with the fencing.

Dave DiGregorio said containers can have an effect on the rat, mice, and raccoon population. He'd like assurances that this project will not increase rats.

Linda Sibley said she thinks a lot of what Mr. Gregorio is concerned about will be addressed by the project.

Chris Fosdick responded to Mr. DiGregorio's concerns.

- The dumpsters are cleaned once a week.

- The debris that's either adjacent to the property or on their property will be cleaned up. It will become a more cleaned up area.
- There won't be the dangerous stuff on their property. He thinks he'll find it's a vast improvement.

Ken Fosdick said that when he bought the property, it was basically a stump dump.

- It's their endeavor to improve the property and clean it up.
- The original project did not have a tenant. It looks like it's abandoned so it became a dump. Their intent is to clean up and make something of it.
- Allied has very strict standards.

4.4 Commissioner Questions

John Breckenridge asked if there are criteria for a rodent control program. **Ken Fosdick** said they would create a program if and when they see rodents; habitat for rodents will be eliminated when the site is cleaned up.

Chris Murphy said that the fence should be some sort of security fencing so that they're child-proofed.

Doug Hoehn said that the housing is for staff and will be free. **Linda Sibley** pointed out that the housing will be seasonal. **Christine Flynn** said the offer meets the MVC Affordable Housing Policy and is better than a one-time monetary mitigation and the Commission has encouraged this kind of offer.

Jim Athearn suggested not closing the public hearing until there was an understanding of the traffic impact of Allied's move onto Evelyn Way.

Mike Mauro reiterated some aspects of the traffic report. Peak season trip generation will be 64 trips a day. The consolidation of the sites reduces the number of trips. Allied's impact on State Road will be 0.09% of daily volumes.

Chris Murphy said that, regarding the stormwater offer, the 25-year storm should be referenced.

Brian Smith of Allied Waste said one truck leaves at 5:00 a.m. and does not back out.

Linda Sibley closed the hearing and scheduled LUPC for June 1st.

5. MINUTES

Commissioners present: J. Athearn, B. Bennett, J. Breckenridge, C. Brown, P. Cabana, C. Murphy, K. Newman, J. Powell, D. Sederholm, L. Sibley

Linda Sibley moved, and it was duly seconded, to approve the minutes of April 2nd. A voice vote was taken. A majority voted in favor with several abstentions.

6. CALENDAR

June 4th **Paul Foley** said that there is a Public hearing on the Oak Bluffs Harbor Gas Station proposal. The town would like to locate a town gas dock next to harbormaster shack. They want to put in their own temporary/permanent fuel dock.

A site visit was scheduled for June 4th at 8:30 a.m.

June 18th Williams Parking has been tentatively scheduled for June 18, 2009 as has Morning Glory Farm's proposal for expansion and the final Martha's Vineyard Hospital Landscape Plans.

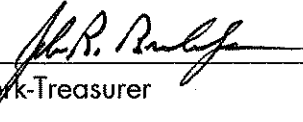
The meeting adjourned at 9:04 p.m.



Chairman

12/10/09

Date



Clerk-Treasurer

12/10/09

Date