



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

Martha's Vineyard Commission Land Use Planning Committee

Notes of the Meeting of September 19, 2011

Held in the Stone Building, New York Avenue, Oak Bluffs. 5:30 p.m.

MVC Commissioners Present: Doug Sederholm (Chair); Fred Hancock; Christina Brown; Ned Orleans; and Linda Sibley.

MVC Staff Present: Mark London; Paul Foley, Bill Veno; Sheri Caseau and Mike Mauro.

For the Applicant: Bob Tonti; Amy Houghton; and Chris Alley (Engineer)

Audience: Ken Barwick (Tisbury Building Inspector); Fred LaPiana (Tisbury Highway Dept.)

Documents referred to during the meeting

- LUPC Agenda of September 19, 2011

1. VNA Move (DRI 344-M2) Modification Review

Applicant: Amy Houghton (V.N.A. Director of Development); Bob Tonti (CEO of VNA); Chris Alley (SBH Engineer)

Project Location: Breakdown Lane, Tisbury Map 22-A Lot 4.6 (0.48 acres)

Proposal: To locate the Vineyard Nursing Association in a single 7,600 sf building.

Purpose: To review the project and decide whether it is significant enough to require a public hearing review as a DRI or send it back to the Town for permitting.

Introduction:

- Paul Foley gave the staff report:
 - The Vineyard Nursing Association would like to purchase and locate their operations in a single 7,600 sf building on Breakdown Lane in the B-2 Commercial District in Tisbury.
 - The building has a 5,600 sf footprint with several lofts on the second floor.
 - The building currently houses Julie Robinson Interiors. The building also housed the Craven Gallery within the last couple of years.
 - This property would cost the V.N.A. about \$1,000,000 less to purchase than the building they are currently occupying and considering purchasing.
 - The Tisbury-Oak Bluffs town line cuts through the property. Most of the property being in Tisbury. The Tisbury section is zoned commercial the Oak Bluffs section is residential.
 - The Zone 2 area of contribution also cuts through the property. This property and the one in which the VNA currently operates are both in the Tashmoo watershed.
 - The VNA provides needed health services to the island community.
 - The key issues are:
 - Parking: Is there sufficient parking for the proposal?
 - Nitrogen loading: The site is in a nitrogen impaired watershed. What measures will the applicant take to minimize nitrogen loading?
- Bob Tonti described the application:

- They have been working with the Town of Tisbury to solve their nitrogen loading and parking issues.
- As part of the process Tisbury acquired some land from the Hospital by Eminent Domain for public parking and the bike path that will also allow an access for the sewer.
- The Tisbury Sewer Commission has already agreed to allow the VNA to connect to the sewer. They would pay \$50,000 and install a main that would be able to accommodate others to tie-in in the future. However it needs to go to a vote at town meeting in April.
- Their dilemma is that they need to occupy the building by March 31. They would need a grace period on the nitrogen loading between March 31 and the town vote and then some time to make the connection.
- If in the case that town meeting decides for some reason not to allow the VNA to connect to the sewer then the Town has said they are willing to approve them for nitrogen credits of undevelopable land.
- There other issue is parking. The ZBA requires 45 spaces.
- Chris Alley said that the VNA's actual parking needs are 16-18 parking spaces at most times other than the two times a week that they would have meetings. He said the town might create 17 parking spaces on the adjacent land taken from the Hospital that the VNA could use twice a week.
- Doug Sederholm asked if they needed town approval for the 17 spaces.
- Fred LaPiana said that the Selectmen would approve that.

Wastewater:

- Sheri Caseau gave the preliminary report on the wastewater:
 - MVC Staff is still waiting for septic design plans. They are looking at several options including connecting to the sewer or various de-nitrification options.
 - The 0.48-acre site is located in the Tashmoo Pond watershed, a nitrogen impaired pond within the MVC Water Quality Policy. In the Policy, development projects are allowed 5.6 kilograms of loading per acre. Thus, the site carries a nitrogen allowance of 2.7 kilos per year.
 - The site is partially in the Zone 2 Area of Contribution for a Tisbury well.
- Fred LaPiana said that if they cannot connect to the sewer then the town could assign them credits from the property in the landfill area that will not be developed.
- He thinks the sewer will be expanded to this area within five years.
- Mark London asked if the land they would be credited with is already not developable.
- Fred LaPiana said that land would not be developable until they develop the Connector Road.
- Mark London said that we need to clarify whether the land is developable or not. We also have to think about what we do if Town Meeting votes no on both the sewer and assigning land for nitrogen credits issues.
- Bob Tonti replied that then they would go to plan C, a de-nitrification system and only 1.5 acres in nitrogen credits.
- Chris Alley noted that Bill Wilcox said when the nitrogen load for Tashmoo was calculated they included all acreage. If they included roads and other non-developable land then the per-acre allotment would be higher.
- Mark London said we would have to review the policy. The calculations are not so precise. The 20% of the watershed that is road and non-developable is the margin of safety.
- Linda Sibley asked how we ensure that they don't give the same credits out over and over.

- Mark London said he thought the MVC Policy might have some leeway for affordable housing and other projects with a community benefit.
- Doug Sederholm asked what the status of the Mass Estuaries Project for Tashmoo is.
- Sheri Caseau said it is done but it is still under review.
- Bill Veno asked if the Town has asked Counsel about using land taken by Eminent Domain for private use.
- Bob Tonti said that the parking would not be designated for VNA only.
- Fred LaPiana added that it would be where the bike path connects and there would be a bus turn around.
- Fred Hancock asked what the parking surface would be. It would be gravel.
- Chris Alley said that the schedule for VNA is that their lease runs out on March 1. VNA would put \$40-50,000 in escrow during the period that they are not connected to the sewer.
- Doug Sederholm surmised that then they would be using the existing system for 60-90 days.
- Chris Alley replied yes. They would have an account set up to do the work.
- Doug Sederholm said that the job of the MVC is to consider the worst-case scenario. He noted that their current location would have the same nitrogen loading issues but that does not have to come before the MVC.
- Bob Tonti said that it sounds like without a guarantee they would be throwing the dice here.
- Doug Sederholm said that, given the history, yes they would be throwing the dice to a degree. If for some reason Plan A, Plan B, and Plan C all fail then you would have to come with some other way to meet our nitrogen loading policy.
- Chris Alley noted that basically any sale at this property would be likely to have to come to the MVC and face these same issues.
- Paul Foley asked if the VNA were connected would others be able to tie-in as well.
- Fred LaPiana said that is unlikely unless or until the plant is expanded. He expects the sewer to be expanded to this area in general within 5 years. The VNA would be installing a sewer main that could allow others to be connected but there would not be room in the leaching area at this time for others to tie-in. However, they are trying to avoid applicants paying for de-nitrification and then having to connect to the sewer a few years down the line.
- Doug Sederholm noted that Cape Cod is facing a financial catastrophe due to a lack of planning for wastewater and de-nitrification.
- Chris Alley noted that in Oak Bluffs they apportioned some land at the landfill as set aside land for nitrogen credits for 7-8 affordable housing lots. The set aside land had a number of restrictions such as they could not fertilize it at all.

Adjourned 6:20 p.m.