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**Minutes of the Commission Meeting  
Held on April 26, 2007  
In the Stone Building  
33 New York Avenue, Oak Bluffs, MA**

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8 **IN ATTENDANCE**

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

- |  |   |
|--|---|
| 10 P James Athearn (E – Edgartown)         | 19 P Ned Orleans (A – Tisbury)          |
| 11 P John Breckenridge (A – Oak Bluffs)    | 20 P Jim Powell (A – West Tisbury)      |
| 12 P Christina Brown (E - Edgartown)       | 21 P Doug Sederholm (E – Chilmark)      |
| 13 P Peter Cabana (A – Tisbury)            | 22 P Susan Shea (A – Aquinnah)          |
| 14 - Martin Crane (A – Governor Appointee) | 23 P Linda Sibley (E – West Tisbury)    |
| 15 - Mimi Davisson (E – Oak Bluffs)        | 24 P Paul Strauss (County Comm. Rep.)   |
| 16 - Mark Morris (A – Edgartown)           | 25 P Richard Toole (E – Oak Bluffs)     |
| 17 P Chris Murphy (A – Chilmark)           | 26 - Andrew Woodruff (E – West Tisbury) |
| 18 P Katherine Newman (A –Aquinnah)        |   |

27 Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Coordinator),  
28 Jim Miller (Traffic Analyst), Christine Flynn (Affordable Housing Coordinator), Bill Wilcox (Water  
29 Planner)

30 The meeting was called to order at 7:33 p.m.

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32 **1. CRONIG’S MARKET: DRI 321-M2 – PUBLIC HEARING (CONTINUED)**

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33 Commissioners present: J. Breckenridge, C. Brown, P, Cabana, C. Murphy, K. Newman, N.  
34 Orleans, J. Powell, D. Sederholm, S. Shea, L. Sibley, P. Strauss, R. Toole

35 For the applicant: Steve Bernier

36 **Christina Brown** re-opened the continued public hearing.

37 **1.1 Staff Report**

38 **Paul Foley** gave the staff report.

- 39 • The site is 2.44 acres in the B-2 business district 2.
- 40 • The proposal is to add on to the back of the building behind the deli, enclose the
- 41 overhangs, and remodel the interior. Unless the Commission requires additional parking,
- 42 the number of spaces and configuration will remain the same.
- 43 • The existing footprint of 21,152 square feet would increase to 22,517; the sales area
- 44 would increase from 13,400 square feet to 16,140 square feet.
- 45 • Seven trees will be added to the parking lot.

- 46 • The project was referred under 3.102b as an existing DRI. The 2,000 square foot  
47 increase triggers a mandatory referral.
- 48 • A key issue is traffic on State Road.
- 49 • The applicant is considering installing solar panels on the front of the building.
- 50 • The new HVAC system is 96% efficient.
- 51 • The building is currently over the nitrogen limit for the site. The applicant is proposing  
52 installing a denitrifying system reducing nitrogen by 10.5 kilos.
- 53 • Bill Wilcox suggests the Commission request a copy of the denitrifying system  
54 maintenance contract and require quarterly testing.
- 55 • The rearrangement should make the store more efficient.
- 56 • The streetscape will be improved by adding trees.
- 57 • The new square footage is being added either within the existing footprint, or in the back  
58 of the building.
- 59 • The Commission has received no correspondence about the project.
- 60 • The store currently has 127 parking spaces. The increase in square footage could require  
61 132 spaces. The applicant could add five spaces without major rearrangement.
- 62 • ITE figures indicate that the new floor area would generate 140 new trips per weekday,  
63 242 new trips on Saturday, and 227 new trips on Sunday.
- 64 • The new trips will not have a significant impact on delays in the area.

## 65 **1.2 Applicant's Presentation**

66 **Steve Bernier** added additional comments.

- 67 • He would like to come back to LUPC with a revised landscaping plan after trying to  
68 improve the size of the beds around the trees.
- 69 • He hopes that the denitrification system does more than what the numbers indicate.
- 70 • He wants to square off the back and enclose the porch.
- 71 • The shed roof pitch will be increased to 30% to accept solar panels. The solar issue  
72 comes first, but he wants filtered light, too. If he can't get the translucent solar setup, he  
73 will do a strip of stained glass for filtered light with solar panels on the new shed roof.
- 74 • He'll plant seven trees and will increase planting areas for trees to increase trees' growth  
75 capability.

76 **Bill Wilcox** said the denitrification system is a Microfast wastewater treatment unit, capable of  
77 reducing nitrogen to about 19 parts per million which would apply to the main store only. There  
78 would be a reduction of about 10 kilograms, substantially lower than what it was before.

79 **Steve Bernier** added more information about the project.

- 80 • The solar power on Healthy Additions feeds back into grid. It's doing what it's designed to  
81 do. From what he was told, about 1/3 of the power for the building is generated from  
82 the solar panels, partly because there no refrigeration.
- 83 • With the store, because there's so much refrigeration, the solar panels are not going to  
84 contribute as high a percentage of the energy, but they will contribute some.
- 85 • The time frame for this work is over the next 2-3 years, through the winters.
- 86 • The old part of the store is wood. They'll take out wooden floor joists and replace them  
87 with steel and slab.

- 88 • Because he's adding steel and redoing the roof, he's considering putting in four two-  
89 bedroom apartments for affordable housing.
- 90 • He confirmed that the parking won't be changed. No trees will be removed. Seven trees,  
91 probably red maple, will be added.
- 92 • He doesn't believe that business will increase anywhere near the 10% projection.

93 **Mark London** noted that, since he already is over the MVC nitrogen loading limit, he cannot  
94 add additional nitrogen loading. He is adding denitrification now and will have a net reduction,  
95 despite the addition to the building. If he later adds apartments, the Commission could consider  
96 the nitrogen calculation based on the existing level, rather than the lower level at that time. This  
97 would give him the opportunity to add some affordable housing without additional denitrification,  
98 and would not penalize him for reducing the nitrogen now, more than the bare minimum.

99 There was a discussion of the projected traffic increase.

- 100 • **Jim Miller** said the projected increase is based on the increase on floor and sales space.
- 101 • **Steve Bernier** said that in the last four years, customer counts are down, so increased  
102 space probably won't mean increased customers.
- 103 • **Jim Miller** said the ITE numbers are based on actual counts averaged with floor space.
- 104 • **Mark London** said it varies, but the Island is typically toward the higher end of the  
105 range. He doesn't think that the summer numbers would be higher than the projection  
106 since ITE assumes that the store is fully busy.
- 107 • **Steve Bernier** said ITE numbers don't seem real. He doesn't feel traffic will be  
108 noticeably different.

109 **Richard Toole** said the fact that so many people will see the solar panels is important; he  
110 wondered whether Steve Bernier would think about putting geothermal in the basement. **Steve**  
111 **Bernier** said if they end up digging up the basement, he'd look into it. **Peter Cabana** said that  
112 vertical geothermals could go in a parking lot area; Brian Nelson would have information.

113 **Doug Sederholm** asked if Steve Bernier is asking now to build the apartments. He thinks it's a  
114 great idea but the Commission would need to see some real plans. Steve Bernier clarified that  
115 the application is only what has been presented; if he wants to modify the plan for apartments,  
116 he'll come back for a modification.

117 There was a discussion of wastewater.

- 118 • **Doug Sederholm** said he'd be concerned if the total nitrogen will increase over what it  
119 is now with the construction of the apartments, and wondered if tying in Healthy Additions  
120 would make sense.
- 121 • **Steve Bernier** said the Healthy Additions septic is a little far away, but he'll look into it.
- 122 • **Peter Cabana** said they could design a denitrification system that could accommodate  
123 apartments in the future.
- 124 • **Bill Wilcox** estimates that the average for a bedroom is about 1.1 kgs. The site could  
125 add about 9 bedrooms and remain under the present loading level. There are ways to  
126 adjust the system so that it performs even better.
- 127 • **Steve Bernier** would like to reduce nitrogen by 50% including apartments.

128 **Steve Bernier** said the project would be done in three steps.

129 **1.2 Public Comment**

130 **Henry Stephenson**, Tisbury Planning Board, said the Planning Board agreed with the series of  
131 minor adjustments to the parking lot.

132 **Christina Brown** closed the public hearing.

133 **2. 18 STATE ROAD: DRI NO. 593 – PUBLIC HEARING (CONT.)**

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134 *Commissioners present:* J. Athearn, J. Breckenridge, C. Brown, P. Cabana, C. Murphy, K.  
135 Newman, N. Orleans, J. Powell, D. Sederholm, S. Shea, L. Sibley, P. Strauss, R. Toole

136 *For the applicant:* Silvestro Schiavone, applicant; Andy Grant, traffic analyst

137 **Chris Murphy** reopened the continued public hearing.

138 **2.1 Staff Report**

139 **Paul Foley** gave the staff report.

- 140 • The applicant has stated he will disturb the archeological site minimally in compliance and  
141 coordination with the Historical Department of the Wampanoag Tribe, overseen by Cheryl  
142 Maltais.
- 143 • There will be minimal disturbance of the natural grade and vegetation with no tree  
144 removal.
- 145 • He will perform appropriate landscape planting to blend with existing vegetation.
- 146 • The Tisbury Conservation Commission has issued an order of conditions.
- 147 • The current proposal is for a 2200 sq. ft. mixed use building with a 900 sq. ft. footprint,  
148 with one office with four rooms, basement for storage for the gallery and the documentary  
149 film company, and an apartment upstairs.
- 150 • Zoning is B1 commercial and the project will require a building permit and a special  
151 permit.
- 152 • The project has approval to tie in 298 gallons a day to the wastewater system. The town  
153 is allowing tie in to the sewer to prevent further excavation of the midden.
- 154 • The site has evidence of human habitation from 10,000 years ago. William Ritchie’s book  
155 has a whole chapter on this property.
- 156 • The applicant is proposing keeping existing trees. The project will build into the drop off  
157 without excavating. They have agreed to minimum disturbance; rebuild the shed on sona  
158 tubes.
- 159 • The project was referred by Ken Barwick, building inspector under 3.301b and 3.401d.
- 160 • Key issues are that it is a known archaeological site, the site is on a busy road with sight  
161 lines obstructed, and how much development should take place on one site on this stretch  
162 of State Road. The site was largely cleared when septic was going to be built.
- 163 • The applicant will keep the existing curb cut. Parking is undefined parking for about 10  
164 cars.
- 165 • There has been some discussion about a dormant easement to abutting properties.
- 166 • The affordable housing contribution is \$1100.
- 167 • The proposed house site is slightly visible from State Road. Visually, the project won’t  
168 seem as large because it will be built into the side of a slope.

- Cheryl Maltais, Tribal Historic Preservation Officer, said the applicant has been very cooperative. Mr. Schiavone complied with her request to do an archaeological study of the property; he has moved the development further towards the road and is hooking up to the sewer.

173 **2.2 Applicant’s Presentation**

174 **Silvestro Schiavone** added information.

- The neighbors are in favor of the project. People enjoy what he does with the property.
- His main effort is to leave it as natural as possible, improving it with bamboo and cedar and peonies, beach roses, and natural plantings from the Island.
- The main purpose of the improvement is to give him a place to stay on the Island and do maintenance and enjoy the Island.
- Cheryl Maltais has asked for minimum disturbance to the archaeological area. The Public Archeology Lab (PAL) has performed a study on the property.
- He’s looking into placing solar panels on the back roof and on the shed, providing between 50 to 60% of electrical use for the buildings. The gallery uses a lot of air conditioning in the summer and he would like to be more efficient.
- In the archaeological site, they will be sinking footings and the foundation for the building. He will be removing some of the soft soil and move it over. The site will need minimal filling.
- Mr. Grillo, the neighbor, is applying to the Tisbury Conservation Commission so they can grade the area together and clean it up. Mr. Grillo has verbally said he wants to clean up the site and move the metal shed.

191 **2.3 Traffic Report**

192 **Andy Grant** gave the traffic report.

- He reviewed the traffic report of June 26, 2006, and discussed how a standard level of service analysis for State Road is not useful.
- He estimated trip generation of the existing and proposed, and examined visibility and mitigation measures. Mr. Schiavone has offered to eliminate high traffic generators.
- He identified that this is the right place for this kind of development: the location is close to public transit, it’s walking distance to many public places, and for commercial proposals this is fairly modest.
- He estimates 25 additional trips, mostly from the office space, with 7 trips during peak hour.
- This magnitude wouldn’t cause a perceptible change to State Road.
- For visibility, there are two very nice trees in the way of a good sight triangle. He would hate to lose the trees to improve the line of sight. The applicant said he has permission to trim the bush on the Finkelstein’s property.
- Drivers will need a courtesy gap for left hand turns.
- The parking layout for the site will be left unimproved.

208 **Jim Athearn** asked about courtesy gaps in the traffic and the distraction of traffic on Camp  
209 Street. **Andy Grant** said the benefit is that during the high traffic periods, people are moving  
210 slowly.

211 **2.3 Town Boards**

212 **Henry Stephenson** said this proposal hasn't come before the planning board, but in general  
 213 the Board would explore the potential for connecting properties along the back. They would like  
 214 to study more thoroughly the dormant easement possibility. Anything the Commission could do to  
 215 link the adjacent parking lots would be great.

216 **2.4 Commissioners' Questions**

217 **John Breckenridge** asked about architectural detailing and artificial siding. **Silvestro**  
 218 **Schiavone** said it will look like natural wood shingles and will blend with neighborhood and  
 219 existing building; in the long run it's less maintenance and more durable; he's open to natural  
 220 cedar but he'd rather not use it; from Main Street people won't be able to tell if it's wood or  
 221 synthetic.

222 There was a discussion of stormwater.

- 223 • **John Breckenridge** asked about a stormwater review.
- 224 • **Paul Foley** said there is an order of condition from the Conservation Commission that all  
 225 stormwater has to be retained on site.
- 226 • **Silvestro Schiavone** said he will install gutters and bring water under the parking lot.
- 227 • **John Breckenridge** asked that staff work with the applicant to develop something more  
 228 definitive for retention of runoff from the parking lot.

229 **Doug Sederholm** asked about a dormant easement or access to neighboring parking lots.  
 230 **Silvestro Schiavone** said he doesn't want to create a parking facility for Finkelstein or  
 231 Educomp, but he would be open to an overall plan.

232 **Susan Shea** asked about building on the ground without putting in sona tubes. **Silvestro**  
 233 **Schiavone** said sona tube piles are needed for structural reasons; he talked with Cheryl Maltais  
 234 about them and she will be there when the tubes are sunk; they are only 12 inches in diameter  
 235 and disturbance will be minimal. **Paul Foley** said that Cheryl Maltais said any extra fill on top  
 236 of the archaeological site would be fine.

237 **Ned Orleans** asked about allocation of space. **Silvestro Schiavone** said it would be:

- 238 - 900 sq. feet for the first floor office.
- 239 - The cellar will be storage.
- 240 - The upstairs apartment will be 400 sq. feet.
- 241 - In the back of the upstairs, will be a closet and utilities.

242 **Jim Athearn** asked about traffic from Camp Street. **Silvestro Schiavone** said:

- 243 - the gallery doesn't open until 10:00 a.m. and misses rush hour; gallery workers go home  
 244 at 8-9 at night, and there is very little vehicle traffic to the gallery;
- 245 - he agrees with Mr. LaPiana, the Director of Public Works, to extend the brick walk in  
 246 front of Mr. Grillo's property.

247 **Chris Murphy** closed the public hearing.

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248 **3. EXECUTIVE DIRECTOR'S REPORT**

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- 249 **Mark London** noted the Living Local event on Saturday, April 28, from 8:30 a.m. to 2:30 p.m.
- 250 • The focus is on local food, local energy, and local economy. It is being sponsored by the
- 251 Vineyard Conservation Society, the Vineyard Energy Project, and the Island Grown
- 252 Initiative.
- 253 • Cape Light Compact will be there. At 12:00 p.m. there will be a solar car race with Island
- 254 sixth graders.
- 255 • The Island Plan will have a table including a survey of strong and weak places on the
- 256 Island and another survey on neighborhoods.
- 257

258 **4. VINEYARD HAVEN YACHT CLUB: DRI NO. 602 – PUBLIC HEARING (CONT.)**

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259 *Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, C. Murphy, K.*

260 *Newman, N. Orleans, J. Powell, D. Sederholm, S. Shea, L. Sibley, P. Strauss, R. Toole*

261 *For the applicant: Dick Barbini, engineer; Peter Breese, architect; Charlie Felder, manager; Ray*

262 *Maciel, general contractor*

263 **Chris Murphy** reopened the continued public hearing

264 **4.1 Staff Report**

265 **Paul Foley** gave the staff report.

- 266 • The site is 1.85 acres.
- 267 • The proposal is to demolish the existing 3500 sq. ft. clubhouse and construct a 4400
- 268 square foot two-story clubhouse.
- 269 • This is a pre-existing non-conforming use.
- 270 • It's in the flood plain.
- 271 • They need a building permit and a permit from the Conservation Commission for building
- 272 on the beach.
- 273 • The Yacht Club has been on this site since 1928. In the 1960s, a two-story casino
- 274 clubhouse was torn down.
- 275 • The applicant is proposing more defined parking with 36 spots. There is no defined
- 276 parking there now with about 30 spots.
- 277 • There are currently 391 memberships, mostly family, with about 50 single memberships.
- 278 • The project triggers 3.601, the creation of a recreational place of assembly of 2.000
- 279 square feet or more which is designed to serve the residents of more than one town.
- 280 • The site is visible from Vineyard Haven harbor and ferries.
- 281 • There are issues with sight lines on Owen Little Way and letters have been written with
- 282 concerns with parking and traffic.
- 283 • The grove of cedar trees in the parking area will largely be retained, but moved slightly.
- 284 • The building will be moved back a bit and be handicapped accessible.
- 285 • The site is not a Natural Heritage and Endangered Species area.
- 286 • Neighbors have expressed concern with screening.
- 287 • The site will largely be the same in terms of usage. The footprint of the new building will
- 288 be about the same as the existing footprint. They are removing the changing lockers.

- 289 • Exterior lights will be motion sensitive as required by code.
- 290 • There will be no lighting on tennis courts.
- 291 • Neighbors have expressed concern with noise on tennis courts.
- 292 • In terms of energy, the building will be insulated and there will be no air conditioning.
- 293 The applicant is thinking about solar panels, but the building is only occupied 2-3 months
- 294 a year.
- 295 • The project will use the existing septic, with the tanks moved to a different location.
- 296 • Jim Miller looked at traffic. Charlie Crevo also did an analysis and said the proposal will
- 297 have no impact on Main Street. Owen Little Way sight line problems are created by
- 298 bushes on the corner.
- 299 • Paul Foley suggested a parabolic mirror across the street might help with sightlines.
- 300 • The applicant could submit an informal traffic maintenance plan and a plan for bringing
- 301 the modular units onto the site.
- 302 • The applicant's affordable housing mitigation is \$2440. The Club does provide housing
- 303 for several staff members.
- 304 • The economic impact of the Club is that it hires 27 seasonal employees and one year-
- 305 round employee.
- 306 • The site is very visible from Vineyard Haven Harbor.
- 307 • Most but not all of the neighbors are members. The building will be a little bit higher so
- 308 the Hackneys might lose a little bit of their water view.
- 309 • The proposed building looks better than the existing Cape. It will be built on piles, will be
- 310 ADA accessible and have an elevator. It would be a modular building that would be
- 311 customized on site.

312 The Commission has received correspondence about the proposal from the following:

- 313 • Henry Stephenson from Tisbury Planning Board requested a continuation from April 12<sup>th</sup>
- 314 because of the Tisbury Town Meeting conflict.
- 315 • The Yacht Club Commodore, Alexander Meleney, wrote a letter with offers.
- 316 • Fain Hackney and Thomas Styron have concerns with the growing nature of the club,
- 317 screening and boat storage and new activities.
- 318 • Sam Busselle has concerns over traffic and parking, social events, on-site storage,
- 319 landscaping and parking.
- 320 • Karen and David Brown, abutters, support the project.
- 321 • Kenneth Berkov wrote in support.
- 322 • Dennis Sarni wrote in support.
- 323 • Lyn and David Grogan see the project as an enhancement to the neighborhood.
- 324 • Donald Cohan, a member of the Board of Governors of the VHYC, has written in support
- 325 of the project, which he finds modest in scale and design.
- 326 • Harriet Barrow, has written with some concerns about the access to the County and Town
- 327 owned parking and beach

328 **Paul Foley** showed a slide show of the proposed building and location. Responding to

329 Commissioners' questions, he explained the following:

- 330 - The town beach location is sandwiched between two Yacht Club properties.
- 331 - There are about 8 spaces in the grass county parking area.
- 332 - There's a hedgerow behind the cabanas between the VHYC and the Styrons.

- The Town of Tisbury has a beach area and the county owns the parking. Beyond the town beach is additional Yacht Club property.

**4.2 Traffic Study**

**Jim Miller** gave the traffic report.

- They had some older ITE figures that he didn't think were representative of what was going on.
- Typically there are 91 children are dropped off and picked up during the day, here are 27 staff members and tennis courts, generating a total of 387 trips per day. 8:00 to 9:00 a.m. is the peak hour with 78 trips.
- There are three social events during the summer with 180 maximum attendees.
- Off-season, there are very few events.
- The Club will cap their membership at 425, a potential 9% increase. Any increase in traffic would be due to an increase in membership, not in square footage
- The traffic increase is estimated to be 9%.
- Charlie Crevo, estimates 34 new trips.
- Mitigation measures the Club will take are purchasing ten VTA passes for staff.
- The applicant will delineate 36 spaces; in reality the amount of parking space is not really decreasing because they don't really have 47 spaces.
- Neighbors have brought up parking concerns. Owen Little Way decreases to 18 feet wide and parking is along one side. It is a low speed environment. Sight lines at Owen Little Way aren't the Yacht Club's responsibility.
- The proposal could increase traffic by 35 trips per day, 7 at peak hour.

**4.3 Applicants' Presentation**

**Dick Barbini** gave general information about the site and project.

- This is not in the Coastal District DCPC; the DCPC starts on the other side of Owen Little Way.
- The project will need a Conservation Commission permit.
- The project is an expansion of pre-existing non-conforming use and will need a special permit for that.
- Cedar trees will be added and moved. The Styron side hedgerow shouldn't be touched; if it is disturbed at all it will be replanted.
- The club would like to begin work in September 2007.

**Peter Breese** did the architecture and landscape plan.

- They are making an effort to preserve cedar trees. Cedars are a very significant element and are higher than the proposed building. They were left out of the drawings so the front of the building could be seen in the drawings.
- The historical character of the proposal is in keeping with the neighborhood and waterfront homes.
- The old building was 2-story with a closed-in porch. The new building takes the porch idea with an open roof deck. The plan retained some of the character of the exposed rafter tails and vintage trusses.

- 374 • The new building is slightly larger but the only element that's been added to the program  
375 is an additional classroom so in inclement weather, there's more space to work inside.
- 376 • The landscape architecture shows two hedgerows and plantings.
- 377 • The plan is organized around ease of access, wheelchair access, and dropping off kids.  
378 The parking will be kept along the tennis courts.
- 379 • The height difference between natural grade and flood plain is mitigated by bringing  
380 grade up half of that distance. 21" of increase height is added and entry ramps and steps  
381 come up to meet it. The building has to be to be 42" above natural grade.
- 382 • They kept the presence of the highest ridge at a minimum. A minimum amount of square  
383 footage, 960 sq. feet is on the second floor.

384 **Dick Barbini** clarified that the bottom of the joists will probably be at elevation 8, the floor has  
385 to be at 9, or slightly above 9. They have enough height so they can raise the building and still  
386 be below the height restriction of 35 feet.

#### 387 **4.4 Town Boards**

388 **Henry Stephenson**, Tisbury Planning Board, said their primary concern is to how to improve  
389 public access to the waterfront. The Planning Board would hope to look at all the pieces together  
390 to organize a more comfortable and accessible public access along the shore. They would offer  
391 to work with the Yacht Club to integrate the spaces owned by the town, county and Yacht Club  
392 into a more coherent landscape. The larger issue for the town is public access to the waterfront,  
393 not so much a question of traffic and parking.

394 **Charlie Felder** said that in 2000 the town did not approve a proposal for the Yacht Club and  
395 town to swap beach lots. The public is not prevented from walking across the Yacht Club beach  
396 property.

397 **Henry Stephenson** said it would be good to take another shot; Yacht Club boats being stored  
398 on the public beach is not so much of an issue; there may be a better way. **Charlie Felder** says  
399 they don't store boats on the town beach; townspeople storing boats on the public beach may be  
400 the issue.

401 **Henry Stephenson** said that merely a land swap isn't the issue. He's suggesting doing a  
402 relatively detailed site plan for cars, boats and beach.

403 **Ned Orleans** said generally the public is not informed and educated about the issues raised at  
404 town meeting. Nobody tried to do what Henry Stephenson is suggesting. If there can be some  
405 agreement out of this, there can be a much better solution.

#### 406 **4.5 Public Comment**

407 **Sam Busselle** asked if there could be some kind of buffer for the brilliant white driveway; he  
408 would very much encourage the separation between the public road and parking. **Charlie**  
409 **Felder** said that the Yacht Club can't put planting in because the Hackneys own the right of way.  
410 **Peter Breese** said they could change the color of the shells by adding pea stone to temper the  
411 whiteness and reflectivity.

412 **Sam Busselle** said that when the septic system was moved the driveway was raised about two  
413 feet so abutters see headlights and car fronts more now. He is hoping for some mitigation of that  
414 situation.

#### 415 **4.6 Commissioners' Questions and Discussion**

416 **Paul Strauss** said he would be glad to help facilitate a meeting of town officials, Yacht Club  
417 and County officials.

418 **Charlie Felder** said that the county parking was improved by the Town to allow parking for  
419 four-hour limits. It would be a good idea to get a plan for that area.

420 **Kathy Newman** asked about the modular building transportation. **Jim Miller** noted that  
421 Charlie Crevo had some concerns. **Ray Maciel** said it's fine bringing the units down Owen Little  
422 Way; Tisbury has a detailed plan for moving modulars.

423 **Doug Sederholm** said this is an opportunity for the Town, County and Yacht Club to work  
424 together to create an integrated plan within the public hearing process. **Dick Barbini** said he  
425 doesn't think it's fair to hold up the applicant so issues with the Town and Dukes County can be  
426 worked out; the applicant offers to sit down with Dukes County to deal with this, but he is  
427 vehemently opposed to continuing the public hearing for that purpose.

428 **Linda Sibley** said the Yacht Club can't accommodate all of its necessary parking on its own  
429 land and yet it's proposing to expand its membership by 9%. She wondered if the Commission  
430 doesn't require a solution, is it only making the situation worse. Tisbury has the largest population  
431 and the least public beach availability. She finds herself acutely uncomfortable with a private  
432 club interfering with Tisbury's beach access.

433 **Christina Brown** asked whether Owen Little Way and County parking are both public parking.

434 **Linda Sibley** said the issue is if a private club can't accommodate all of its impacts on its own  
435 property.

436 **Mark London** clarified that when the applicants first came in, they said they didn't intend to  
437 expand the membership. Staff asked them to set a cap in order to carry out the traffic study. They  
438 set this at 425, to give themselves a little flexibility. They haven't expanded their membership in  
439 the past five years, and are not proposing to expand it now.

440 **John Breckenridge** asked for more explanation about functions. **Charlie Felder** said that  
441 there are about three functions a season, lasting until about 10:00 p.m.; he clarified that the  
442 expansion of the building isn't an opportunity to use it as a rental facility for non-member  
443 activities.

444 **John Breckenridge** asked about details of the building. **Peter Breese** said that the building  
445 will be shingled, with trimmed windows, charcoal gray asphalt roof. **Ray Maciel** added that he  
446 will use R19 insulation in the walls and R21 foam underneath the building.

447 **Jim Athearn** said it might be appropriate for the Yacht Club to offer to keep the number of  
448 weddings or other functions to, say, five. **Charlie Felder** In the summer the Yacht Club doesn't  
449 do weddings in the summer; they usually do only two.

450 **Jim Powell** asked whether the comprehensive land swap could take place before the next  
451 Tisbury Town meeting. There might have to be a special town meeting for the high school funding  
452 formula.

453 **Ned Orleans** said the hearing should be continued and a diligent effort to get together to solve  
454 this problem should be made by the people involved.

455 **John Breckenridge** said he is cautious about continuing this and tying the applicant's hands  
456 until this sensitive issue is resolved

457 **Peter Breese** said the proposal has nothing to do with the town lot and the further Yacht Club  
458 lot.

459 **Rob McCarron**, on behalf of the applicant, said the notion that a solution could be found in  
460 forty days is a pipe dream. There are too many constituents and the bureaucracy is unbelievable.

461 **Christina Brown** said something needs to be worked out between the Town and Yacht Club  
462 about the use of the town beach and parking. She hears the concern but doesn't believe that the  
463 Commission mechanism can work it out.

464 **Kathy Newman** says the issue does influence the final plan. She wonders whether the  
465 applicant could come back to LUPC with a parking/beach lot plan.

466 **Doug Sederholm** said it is a Yacht Club issue. They potentially want to increase membership.  
467 They already dominate the geographic location including the use of the county parking lot and to  
468 some degree the use of that stretch of beach. If there's ever a time to come to some type of  
469 agreement it's when somebody wants something that's going to impose stress. It's at least worth  
470 talking about.

471 **Mark London** said that although it could take months or years to finalize a deal, the applicants  
472 could commit themselves to agreeing to a solution if the Town and County agree.

473 **Ned Orleans** said he's not visualizing coming out of these conversations with a formal  
474 proposal. Henry Stephenson has a unique capability of putting on paper concepts that solve  
475 problems. If people get together and talk about the issue, then Henry Stephenson will have the  
476 opportunity to put on paper a way to solve the problems.

477 **Linda Sibley** said she doesn't recommend keeping the hearing open for a land swap. They  
478 could come back with an offer on how they're going to deal with it.

479 **Dick Barbini** suggested that the applicant offer to work with the appropriate parties to work out  
480 the parking issue. They can make a commitment to solve the problem.

481 **Linda Sibley** said they could offer to tell members not to park in the public spaces, even though  
482 residents have a right park there. The Yacht Club has an obligation to contain its impacts on its  
483 property. They don't have the right as a private organization to interfere with the public parking  
484 access.

485 **John Breckenridge** said the applicant appears to be willing to work on a mutually agreed  
486 upon solution. He recommends continuing the hearing for two weeks to allow the parties to meet.

487 **Dick Barbini** said every time the dates are pushed forward, their work is delayed.

**Paul Foley** said the problem with the beach may be being overstated. People from the neighborhood basically walk or bike to the beach.

**Henry Stephenson** said the applicants have a plan for the building that should go forward. If it's understood that parties are going to work with site plan, the Commission could go forward with the building design.

**Richard Toole** said he believes the applicant should be trusted to try to come up with a plan.

**Chris Murphy** closed the public hearing and left the written record open for one week.

## 5. OTHER

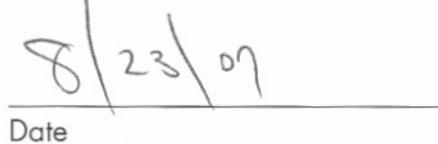
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The Middle Line site visits are Wednesday, May 2<sup>nd</sup> and Thursday, May 3<sup>rd</sup>. The public hearing on Middle Line is at Chilmark Community Center on May 10<sup>th</sup>.

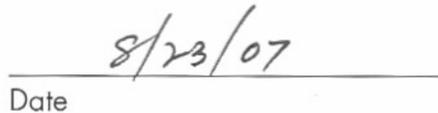
Congratulations to Chris Murphy on his first grandchild.

The meeting was adjourned at 10:22 p.m.

  
Chairman

  
Date

  
Clerk-Treasurer

  
Date