



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

**Minutes of the Commission Meeting  
Held on January 7, 2016  
In the Stone Building,  
33 New York Avenue, Oak Bluffs, MA**

**IN ATTENDANCE**

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

P Tripp Barnes (E-Tisbury)	P James Joyce (A-Edgartown)
- Yvonne Boyle (A-Governor)	P Joan Malkin (A-Chilmark)
P John Breckenridge (A-Oak Bluffs)	P Katherine Newman (A-Aquinnah)
P Christina Brown (E-Edgartown)	P Doug Sederholm (E-West Tisbury)
- Robert Doyle (E-Chilmark)	P Abe Seiman (E-Oak Bluffs)
- Josh Goldstein (E-Tisbury)	P Linda Sibley (E-West Tisbury)
P Fred Hancock (E-Oak Bluffs)	P Ernie Thomas (A-West Tisbury)
P Leonard Jason (A-County)	- James Vercruysse (E-Aquinnah)

Staff: Adam Turner (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Planner), Christine Flynn (Economic Development and Affordable Housing Planner), Jo-Ann Taylor (Coastal Planner, DCPC Coordinator).

**Acting Chairman Fred Hancock** called the meeting to order at 7:00 p.m.

**1. NORTH BLUFF SEAWALL – OAK BLUFFS DRI-659 DELIBERATION AND DECISION**

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Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, A. Seiman, L. Sibley, E. Thomas.

**Joan Malkin** and **Doug Sederholm** excused themselves from the meeting.

**Fred Hancock**, Acting Chairman noted that two public hearings have been held on the North Bluff Seawall project and the written record was left open until December 28, 2015. At tonight's meeting testimony is not being given. Only the Commissioners and the MVC staff will be speaking.

**1.1 Staff Report**

**Paul Foley** stated that the following information has been made available for tonight's meeting.

- CLE response to the questions from the second public hearing.
- FEMA revision to the Public Works dated September 9, 2015.
- Plan of Oak Bluffs Public Works to FEMA March 26, 2013.
- Additional correspondence received at the MVC after the last public hearing.
- Martha's Vineyard Commission Land Use Planning Committee Notes of the meeting of January 4, 2016.

**1.2 Land Use Planning Committee (LUPC) Report**

**Linda Sibley**, LUPC Chairman presented the following.

- The project was discussed and LUPC came up with two suggested conditions; the lighting and the landscape plan is to come back to LUPC for review.
- LUPC voted to recommend to the full Commission that the project should be approved subject to the conditions on lighting and landscaping.
- She read the written conditions for the lighting and landscape.
- There was also a general condition that the seawall shall be built and maintained substantially as proposed.

### **1.3 Benefits and Detriments**

#### Benefits

**Fred Hancock** said the North Bluff Seawall project is essential to prevent the wall from falling in.

- There was a discussion about the need for the seawall.
  - **Katherine Newman** said it is a must do project and sometimes you have to make the practical decision.
  - **Abe Seiman** thanked all those involved with the project. A lot of research and time was spent on it and he commended the Town for receiving the funds to do the project and finding a practical solution. The project proves the necessity for DRI review. Most of the public seemed to feel that part of the problem was that they did not receive information about the project in a timely manner. There is no doubt in his mind that part of the problem is that less than 30% of the Oak Bluffs towns people attend meetings so if you want to have a say you have to make an effort. He wanted to propose a condition regarding beach access that the access points be maintained and improved so there is access for all of the town and that they are ADA accessible.
  - **Fred Hancock** noted that it does not have to be a condition as it is part of the proposed plan.

**Fred Hancock** noted the project has no impact on stormwater and ground water.

**Christina Brown** said that the improved walkway is open space. The way open space is viewed on the Vineyard. It is a place for public visual and sense of being out in the open.

**Fred Hancock** said the proposed seawall is better than the bank failing and when it is reseeded it will prevent the bank from falling in.

**Fred Hancock** said the project presents an alternative walking path and it will be a more scenic way to get to the harbor and the SSA.

**Christina Brown** said the seawall will be a long term protection to prevent the street from falling in.

There was a discussion on scenic value.

- **Fred Hancock** noted that the seawall will look better than the current conditions as seen from the land side.
- **John Breckenridge** noted that if you are coming to the Island by ferry you will see the seawall from a distance and he showed a photo of the Oak Bluffs harbor. From a distance the steel wall is not detrimental. It was noted at LUPC that no one model will fit all applications.
- **Leonard Jason** agreed the steel wall is not detrimental and noted that Menemsha is also built in the same manner.

**Fred Hancock** said with regards to the impact on abutters the seawall will keep the road from falling in and will be preservation of public and private lands.

**James Joyce** felt the lighting for the area will be a benefit as it will be appealing from a safety aspect.

**Fred Hancock** said the lighting will be the same type of fixtures that are used on the SSA dock and the Tisbury drawbridge and walkway and is night compliant.

**Fred Hancock** noted that the project is built and designed to fit in with the fishing pier and will be at the same level as the pier so it will have one continuous flow.

**Linda Sibley** noted that at one time concrete seawalls were considered a new thing and perhaps metal seawalls are now the new thing. **Fred Hancock** added we might be seeing more of the steel walls on the Vineyard and it might be the start of a new trend with sea level rise.

**Fred Hancock** noted the project has no impact on housing.

There was discussion on the impact on services and burden on the taxpayers.

- **John Breckenridge** noted that he has worn many hats in the Town of Oak Bluffs and the impact of this project is a positive one on the taxpayers. He read a prepared statement to validate that viewpoint which noted the following; Oak Bluffs has been recognized as a model community with regards to sea level rise, each of the activities taken to address this accommodated the Town for grants and this all has a positive impact for the town. The outlook for future grants is positive because the town has been so proactive.
- **Fred Hancock** said the project conforms to zoning and there are no DCPC regulations in this area. The project is consistent with town plans and has been approved by the State. This project has been entirely funded by grants and it fixes a severe problem that the Town has found a solution for without impacting the taxpayers.
- **John Breckenridge** noted that the Town maintains the fishing pier and the pier has had a positive impact on the businesses as well as provide for family use.
- **Fred Hancock** said the project has been designed to work with the rest of the coastal plan for Oak Bluffs.

#### Detriments

**John Breckenridge** said the seawall does not provide scenic value from the water side.

**Christina Brown** said that different looks are in keeping for different places. The more traditional stone wall would be more appealing. To some extent the metal wall might be somewhat of a cultural shock.

**Linda Sibley** said there are a significant number of people that don't approve the aesthetic of the steel wall and that needs to be noted.

**Linda Sibley** said the lighting might be a slight detriment to dark skies.

**Christina Brown** noted that there will be some maintenance required by the Town so that will have some burden on the taxpayers and it is a responsibility to which the Town committed .

#### 1.4 Decision

**John Breckenridge** said it is important to recognize the fact that the MVC has heard many voices out there and the MVC has not spoken about the importance of the beaches to Oak Bluffs residents. Within a two minute walk there is Marinelli Beach, Pay Beach and Inkwell Beach, Oak Bluffs can be very proud of its beaches. Although Beach Nourishment is not part of this project, once funding is in place for re-nourishment of the beaches it will be important to determine where the sand will be placed. It is also important to note that open spaces are also important to the Island and this is one step to preserve those spaces.

***John Breckenridge moved and it was duly seconded to approve the North Bluff Seawall project as presented with the conditions as previously read about lighting and landscaping returning to the Land Use Planning Committee (LUPC) and the project to be built and maintained as noted.***

- **Leonard Jason** noted that this project has been said to be like the Round About project and he would like to see the MVC Executive Director set up a Memorandum of Understanding between the permit granting authorities and the MVC for every DRI that island towns institute as a condition for this project.

***Leonard Jason moved and it was duly seconded that a Memorandum of Understanding be created between the permit granting authorities and the MVC for every DRI that an island town institutes.***

- **Fred Hancock** said that is not a specific condition to this project.
- **Leonard Jason** said why not, he would like to make it a condition that the Memorandum of Understanding be developed. The public is upset that they do not know what is going on.
- **Fred Hancock** said the Memorandum of Understanding is not part of this project. You want it set up for future use. He would have to rule Leonard Jason out of order as this is not a condition for this project.
- **Linda Sibley** asked if Leonard Jason could make the Memorandum of Understanding as a motion later on rather than a condition to this project.
- **Fred Hancock** asked if Leonard Jason wanted the Memorandum of Understanding to apply to everything regarding this beach wall project but not for all projects.
- **Linda Sibley** thanked the Oak Bluffs Planning Board for sending the North Bluff Seawall project to the MVC as the project certainly has regional impact. If the project had come to the MVC earlier the MVC may have been able to help make it a better project. She has a process problem making the Memorandum of Understanding a condition of the approval of the North Bluff Seawall project.
- **Ernie Thomas** said if the Memorandum of Understanding was done it would cause another delay for the project and why have it just for Oak Bluffs, it should be done for all the towns that have DRIs.
- **Katherine Newman** asked if there is any way to tag something onto the Memorandum of Understanding so it would not prevent the project from happening.
- **James Joyce** said he agreed with Leonard Jason but did not agree this is the place to do it. The MVC can't be contingent on something in the future.
- **Abe Seiman** said if the MVC does not start now we lose an opportunity to do so.
- **Christina Brown** agrees with Abe Seiman and Leonard Jason that a Memorandum of Understanding for town projects is needed to start making a better relationship with a town to make a better project and to provide open communication as well as a serious effort to be made by all parts to make a process so that the public is aware of it. The MVC does not have a precedent for it so she does not feel it is out of order.
- **Fred Hancock** said he does not think the MVC has the ability to compel town boards to meet with each other and/or the MVC, so how can you make the Memorandum of Understanding a condition for the project. If the MVC Executive Director wants to create a Memorandum of Understanding the MVC could direct him to make those efforts with the towns.
- **Linda Sibley** noted if the MVC moved forward with the Memorandum of Understanding it could delay the North Bluff Seawall project. She believes the project was a mandatory referral and should have been referred to the MVC a long time ago. Also the wording of the DRI Checklist should be made clearer so projects come to the MVC earlier. But she does not feel the Memorandum of Understanding should be a condition for this project. However, she would be able to vote for it as separate matter.
- **John Breckenridge** noted that the MVC has a very energetic Executive Director who is trying to accomplish exactly what the Memorandum of Understanding is about.
- **Leonard Jason** asked Adam Turner if he could handle the Memorandum of Understanding.
- **Adam Turner** confirmed he could.

**Leonard Jason withdrew his motion and Christina Brown withdrew her second of the motion.**

**Roll call vote. In favor: T. Barnes, J. Breckenridge, C. Brown, F. Hancock, L. Jason, J. Joyce, K. Newman, A. Seiman, L. Sibley, E. Thomas. Opposed: none. Abstentions: none. The motion passed.**

**Fred Hancock**, Acting Chairman, noted to the audience that just because the MVC may not have agreed with their position it does not mean that the MVC did not listen.

**Bob Whritenour**, Oak Bluffs Town Administrator, thanked the MVC and addressed Beach Nourishment. It is a comprehensive plan for this area and the Conservation Commission has been working on it for a number of years. This morning Brain Packish asked that several of the town boards meet and discuss the conditions of the beaches. Right now a town forum is being developed to address in an outreach forum the status and direction of Beach Nourishment so the public will have the information. The Board of Selectmen, the Conservation Commission and the Planning Board all want to provide a game plan to be able to move forward with Beach Nourishment.

**Joan Malkin** and **Doug Sederholm** rejoined the meeting.

## **2. MEMORADUM OF UNDERSTANDING**

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Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, A. Seiman, L. Sibley, E. Thomas.

**Linda Sibley** said the MVC should work on a Memorandum of Understanding with all of the towns for DRIs.

**Leonard Jason moved and it was duly seconded for the MVC to create a Memorandum of Understanding between the MVC and all permit granting authorities and all town municipalities.**

- **Katherine Newman** asked if the motion included the MVC Executive Director to be the agent.
- **James Joyce** noted that there were many meetings and hearings on the North Bluff Seawall project but the town's people and the public just did not get involved until the end of the project.
- **Abe Seiman** noted that the seawall was a project by a town commission not a town board.
- **Christina Brown** asked if the MVC is asking the MVC Executive Director to draft the Memorandum of Understanding so the MVC can adopt it and suggested to also amend the motion to include in the early stages of a project so the process ensures public participation.

**Leonard Jason amended his motion and it was duly seconded. The MVC is to establish a Memorandum of Understanding between the MVC and all permit granting authorities of all town municipalities to establish a process that would ensure public participation in the early stages of a project before it is referred to the MVC. Voice vote. In favor: 11. Opposed: 0. Abstentions: 1. The motion passed.**

## **3. SOUTHERN WOODLANDS – OAK BLUFFS DRI 555-M2 MODIFICATION REVIEW**

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Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, A. Seiman, L. Sibley, E. Thomas.

For the Applicant: Geoghan Coogan

**Fred Hancock**, Acting Chairman noted that the Southern Woodlands was a prior project that was before the MVC and then it became dormant. There was a public auction and the new entity wants to revitalize the project.

### **3.1 Staff Report**

**Bill Venno** presented the following.

- The MVC is to decide if there are significant modifications that require a public hearing.
- The subdivision is the only thing modified from the original decision.
- The applicant is proposing changes for the subdivision of 26 lots.
  - **Paul Foley** reviewed the site plan prior and proposed.
- The lots as they exist now with the modifications are to the edge of the property line that abuts Meadow View with a 50 foot buffer no cut zone. The prior approval was open space for that area. Proposing the 50 foot buffer serves the same purpose.
- The applicant is also proposing to buffer some additional abutting developments. It would be a 100 foot buffer comprised of a 50 foot no cut zone and no building within the remaining 50 feet.
- The applicant is asking to eliminate paragraph 4 as the equestrian center component has been removed from the project.
- As offered by the applicant the existing Special Ways within the subdivision shall be preserved and protected with a 50 foot buffer. The developer may at a later time want to relocate a length of the Special Ways within the subdivision to make them more accommodating to the residents. In order to provide for better public use portions of the Special Ways are to be re-routed with approval from the Oak Bluffs Planning Board and per the Town's Southern Woodlands DCPC regulations.
- Rather than the prior affordable housing contribution the applicant is proposing a \$700,000 lump sum for affordable housing. MVC staff looked at the prior decision and determined it would take 30 years to achieve the affordable housing contribution.

### **3.2 Applicant's Presentation**

**Geoghan Coogan** presented the following.

- The applicant is asking the MVC to approve the Oak Bluffs Planning Board plan with the changes as proposed.
- All sites will have enhanced septic systems.
  - **Bill Venio** noted that when the MVC looked at the nitrogen load it was for the entire parcel.
  - **Doug Sederholm** asked if the subdivision is within the Lagoon Pond Watershed.
  - **Bill Venio** said it is between the Lagoon Pond and Sengekontacket watersheds.

### **3.3 Commissioners' Discussion**

**Doug Sederholm** said with regards to the Special Ways the MVC is to protect historic values. Is there anything significant that would be destroyed and relocated for the Special Ways that the applicant wants to relocate. **Paul Foley** and **Bill Venio** said in the original decision the Special Ways were going to be relocated more significantly than with the new proposal.

**Fred Hancock** said LUPC did meet and recommended to the full Commission, due to the time that had passed since the original decision, that there be a public hearing for the new proposal so that all issues are addressed.

**Joan Malkin** asked for clarification and information about the original decision since so much time has passed.

**Linda Sibley** said the MVC can say these changes are substantial enough to require a public hearing or can approve them as proposed. LUPC did recommend a public hearing. If this was a subdivision that was presented a year ago the information would be fresh but since this is from a decade away the MVC probably needs to have a public hearing.

**Fred Hancock** said part of the proposed modification deals with affordable housing as well as the Homeowner Association modification. There is a lot of material to cover here and it would be informative to the public to hear what is being proposed.

**Leonard Jason** asked if the Oak Bluffs Planning Board approved the proposed project.

- **Brian Packish**, Chairman Oak Bluffs Planning Board outlined the boards process.
  - The applicant came to the town to amend their decision and a working group was created.
  - The proposal then went back to the Planning Board and the Planning Board also created a working group to review.
  - There was a wide representation of community and town boards.
  - The Planning Board went to the Oak Bluffs Board of Selectmen meeting and discussed the proposal.
  - The proposal then went back to the Planning Board with wide public participation as well as participation from the MVC. There was a pretty broad discussion.
  - Through the process we have been able to increase the buffer zone on the Lagoon Estates side of the property line.
  - For the nitrogen we got as close as we possibly could with enhanced systems and the number of bedrooms were reduced for the project.
  - The Planning Board could not approve the proposed plan as it needed to come to the MVC but the Planning Board is happy with how the process went.

**Linda Sibley** said the question is if the changes even if they are good changes are extensively different than what was approved and are the changes substantial.

**Geoghan Coogan** said the applicant wants to prevent a public hearing and opening up a can of worms for the project. There are four changes. The applicant went through the Oak Bluffs Planning Board for the lot line changes and now there is 90 and 100 feet of buffer zone. There is no workforce housing in the center of the subdivision so it allows the ancient way to stay as it was. For affordable housing there will be an immediate payment of \$700,000 versus a 20 year wait period. The nitrogen requirement has been met over and above. The applicant is requesting that the Commission approve the submitted plan which is virtually the same plan that was previously approved by the Oak Bluffs Planning Board. The proposed plan includes minor lot line and open space adjustments. There will be no equestrian activities and no workforce housing.

There was a discussion about the information that is part of the legal documents for the approved project.

- **Fred Hancock** noted that there are things that may need to be reviewed from the decision and the legal documents. There is a lot in there such as how open space is being managed as well as pond management. The applicant is asking to delete paragraph 9 and it would get rid of what was referred in the litigation.
- **Paul Foley** said the MVC accepted the legal settlement so the MVC inherited those legal documents.
- **Joan Malkin** noted that what is being eliminated is a number of documents and the Commissioners don't know if they are important.
- **Linda Sibley** said just based on all of these questions it signals that a public hearing is needed. How would the MVC vet all of the questions without having the information?
- **Geoghan Coogan** said the applicant wants to eliminate the things that are no longer relevant.
- **Fred Hancock** said the legal documents also contain additional information.

- **Geoghan Coogan** said he was hoping that all of that information would have been reviewed prior to tonight's meeting. For the proposed modifications the applicant will leave paragraph 1 in the modification, delete number 4, numbers 9 and 10 will stay and number 11 and 12 are deleted as they no longer apply.

**Katherine Newman** asked if the proposed number of lots and the lot lines are the same from the decision. **Geoghan Coogan** said the lot lines from the plan the MVC approved and the Planning Board approval have changed slightly. The number of lots is the same.

**Katherine Newman** noted that the proposed modification seems like it was so well done by the town and is transparent.

There was a discussion regarding the Homeowner Association.

- **Fred Hancock** said he did a lot of research on the project so the MVC would not be caught with their pants down. There were a lot of things that are not present here such as the building permit issue. This developer is just selling the lots and will not be developing them so the transfer to the Homeowner Association is an important part.
- **Doug Sederholm** asked if Fred Hancock was suggesting that the issue was substantive and that it may require a public hearing. How is the Homeowner Association issue addressed?
- **Fred Hancock** explained if there was no Homeowner Association that it affects the transference of property.
- **Doug Sederholm** noted that the applicant said it is fine to leave paragraphs 9 and 10 in to incorporate the legal memos.
- **Geoghan Coogan** said paragraph 21 can be changed so there will be a Homeowner Association before the applicant closes.
- **Doug Sederholm** asked if the transference of common lands is in the purview of the MVC. Where is the substantial change?

**Fred Hancock** commends the applicant for the cooperative attitude but there are areas like pond management and there was language about how the pond is maintained in the decision.

There was a discussion about if the proposed modification has substantial changes.

- **Linda Sibley** said the question is whether the changes are significantly substantial that the public should have a say in the process. The equestrian center was a positive and a benefit for the project and now it is going away so that is a substantial change.
- **Geoghan Coogan** noted that there will be a public hearing with the Oak Bluffs Planning Board.
- **Joan Malkin** noted that is not MVC process.
- **Linda Sibley** said the MVC has to make significant changes and the Commissioners have to decide if the changes are complex enough requiring a public hearing.
- **Doug Sederholm** asked if the equestrian center was for the benefit of those buying the lots.
- **Geoghan Coogan** said it was.
- **Doug Sederholm** said he then doesn't see how that is a substantial change. He is not hearing the changes that require a public hearing especially since the memos that would give the MVC power here have been put back into the proposed modification.

**Linda Sibley moved and it was duly seconded that these changes are a sufficiently substantial change to the original decision that it requires a public hearing.**

- **Katherine Newman** asked if it is correct that a few of the lots have been sold and do the owners now know that there is no equestrian center.
- **Geoghan Coogan** said that is correct but the applicant is buying the lots back with the exception of one that is in probate.

- **Bill Veno** said the question is if the MVC needs public input to be able to approve the modifications.

**Voice vote. In Favor: 5. Opposed: 7. Abstentions: 0. The motion did not pass.**

**James Joyce moved and it was duly seconded to approve the modification with the amendments as presented.**

- **Fred Hancock** felt it would be valuable to have a clean copy before voting on the modifications.
- **Katherine Newman** asked if it is possible to amend the motion to approve when the MVC receives a clean copy of the modifications.
- **Doug Sederholm** said the MVC could have a clean copy and a red line copy for comparison.
- **Christina Brown** asked if paragraph 9 says everything in the memos continues to be binding. People will always be digging through the memos.
- **Fred Hancock** said the issue with paragraph 9 is that part of the memo Geoghan Coogan does not want enforced as it includes the affordable housing condition.
- **Joan Malkin** said perhaps as a separate matter the MVC can clean up this document to not gum up the modification process.
- **Geoghan Coogan** said he would be happy to create a clean, clear and understandable document with Brian Hurley (MVC counsel).
- **Joan Malkin** asked how fast he can do that.
- **Fred Hancock** said the MVC would postpone the vote on the modification to the next MVC meeting and then this document could be cleaned up.
- **Joan Malkin** said perhaps LUPC could iron out the document.
- **James Joyce** said he did not want to amend his motion.
- **Fred Hancock** reiterated that a yes vote approved the modifications as presented.

**Roll call vote. In favor: T. Barnes, L. Jason, J. Joyce. Opposed: J. Breckenridge, C. Brown, F. Hancock, J. Malkin, K. Newman, D. Sederholm, A. Seiman, L. Sibley. E. Thomas. Abstentions: none. The motion did not pass.**

**Joan Malkin** asked for Geoghan Coogan to come back with clarification to eliminate MVC confusion over the proposed deletion of paragraph 9.

**Geoghan Coogan** asked to be respectfully put on the next MVC agenda and can MVC counsel work with us on the revision. **Adam Turner** said he will arrange for MVC counsel to work with Geoghan Coogan.

**Fred Hancock** noted for Geoghan Coogan that section 16 seems to be in conflict with section 15.1. They appear to be inconsistent.

**Fred Hancock**, Acting Chairman said the applicant will be scheduled for the January 21, 2016 MVC meeting.

**Doug Sederholm** asked that the revised document be available at least 48 hours prior to the January 21, 2016 MVC meeting.

**Doug Sederholm** and **Linda Sibley** excused themselves from the meeting.

#### **4. DEBETTENCOURT/HIGH POINT LANE GARAGE – TISBURY DRI 656 WRITTEN DECISION**

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Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, A. Seiman, E. Thomas.

**Adam Turner** noted that line 14 should be changed to four bays not three. **Bill Veno** said it will be changed throughout the document to four bays.

**Fred Hancock** noted that MVC Staff will enter the dates on lines 73 and 78.

**Adam Turner** noted that some minor revisions have been made to the Written Decision from what was emailed to the Commissioners.

**Fred Hancock** asked if for section Landscaping 1.1.2 if it is clear which wall it is referring to. **Bill Veno** said it is clear.

There was a discussion about Landscaping 1.1.4.

- **Leonard Jason** asked why the MVC is requiring the applicant to come back to LUPC for section Landscaping 1.1.4.
- **Adam Turner** said if it was different than what was presented. The parties may agree to something different and it was not clearly stated.
- **Joan Malkin** said it was not a clear plan and then there could also be safety issues.

There was a discussion about Stormwater/Spill Containment 4.4.5.

- **Bill Veno** asked if section 4.5 is correct with the specifications and the O & M.
- **John Breckenridge** said it is relevant if the applicant works with fluids outside. The wording is out of the Martha's Vineyard Hospital protocol. It was discussed at Deliberation and Decision. That motion passed 6 to 2.
- **Ernie Thomas** said the MVC needs the applicant to come back so the Commission knows the filters are installed. It needs to be re-worded.
- **Fred Hancock** said he thinks this is a decision the applicant makes when he builds the building, not a year later.
- **Joan Malkin** said she thinks Ernie Thomas is noting this is a decision that the applicant can make at any time and how is it enforceable.
- **John Breckenridge** said the applicant is very reputable. There are environmental issues here with the location.
- **Joan Malkin** said she was okay with language for section 4.4.5.

There was a discussion about Wastewater 5.5.2.

- **Leonard Jason** asked for clarification between 3.14 kg/yr and 19mg/l nitrogen.
- **Bill Veno** said the site is allowed 3.14 kg/yr. You cannot test for that. You are testing for the main contributor which is the septic.
- **Leonard Jason** asked what the baseline is.
- **Joan Malkin** said the de-nitrification system will remove the nitrogen and the amount is 19mg/l.
- **Bill Veno** said the test measures what is being taken out.
- **Leonard Jason** asked who checks this data.
- **John Breckenridge** said it is the installer.

**John Breckenridge moved and it was duly seconded to approve the Written Decision as corrected. Roll call vote. In favor: L. Jason, J. Joyce, J. Malkin, J. Breckenridge, F. Hancock, E. Thomas, K. Newman, C. Brown. Opposed: none. Abstentions: none. The motion passed.**

## **5. NEW BUSINESS**

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*Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, A. Seiman, E. Thomas.*

### **5.1 Executive Director Report**

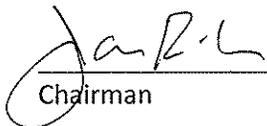
**Adam Turner** presented the following.

- He had expected to have a completed DRI report by now but a draft will be distributed within the next ten days.
- The All Island Planning Board meeting is January 13, 2016 at 6:00 p.m. at the Oaks Bluffs Council of Aging. This is now a regular group and they have an agenda to do great things. He will report on the meeting to the MVC.

The meeting was adjourned at 9:25 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- CLE response to Adam Turner regarding the questions from the second public hearing for DRI 659-North Bluff Seawall, Dated December 28, 2015.
- FEMA revision to the Public Works Dated September 9, 2015, Re: Public Assistance Eligibility Determination – Town of Oak Bluffs, North Bluff Seawall, FEMA-4097-DR-MA, Project Worksheet 297(0).
- Correspondence from Steve Auerbach to the MVC Re: North Bluff Project, Dated December 24, 2015.
- Email from Richard Toole to the Paul Foley, Subject: Oak Bluffs North Bluff, Dated December 19, 2015.
- Martha’s Vineyard Commission Land Use Planning Committee Notes of the meeting of January 4, 2016.
- DRI 555-2 Southern Woodlands – Proposed Modifications Dated January 7, 2016.
- Letter to the Martha’s Vineyard Commission from Michelle Manners, Re: DRI 555 Southern Woodlands Oak Bluffs, Dated January 7, 2016.
- Draft Decision of the Martha’s Vineyard Commission DRI 656-DeBettencourt High Point Lane

  
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 Chairman

5-5-16  
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 Date

  
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 Clerk-Treasurer

5-5-16  
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 Date