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Minutes of the Commission Meeting Held on May 31, 2007 In the Stone Building Oak Bluffs, MA

IN ATTENDANCE

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

P James Athearn (E – Edgartown)	P Ned Orleans (A – Tisbury)
P John Breckenridge (A – Oak Bluffs)	P Jim Powell (A – West Tisbury)
P Christina Brown (E - Edgartown)	P Doug Sederholm (E – Chilmark)
P Peter Cabana (A – Tisbury)	P Susan Shea (A – Aquinnah)
- Martin Crane (A – Governor Appointee)	P Linda Sibley (E – West Tisbury)
P Mimi Davisson (E – Oak Bluffs)	- Paul Strauss (County Comm. Rep.)
P Mark Morris (A – Edgartown)	- Richard Toole (E – Oak Bluffs)
P Chris Murphy (A – Chilmark)	P Andrew Woodruff (E – West Tisbury)
P Katherine Newman (A – Aquinnah)	

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

The meeting was called to order at 7:10 p.m.

1. JAMES FERRY TENNIS & RACQUET BALL FACILITY: DRI NO. 598 – PUBLIC HEARING

Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, M. Morris, C. Murphy, N. Orleans, S. Shea, L. Sibley, A. Woodruff

For the applicant: James Ferry, applicant

Douglas Sederholm recused himself and left the meeting room.

Christina Brown opened the public hearing on the proposal to build an outdoor tennis court, indoor racquetball court, a pro shop, and two offices at 21 Amos Lane, West Tisbury, in the North Tisbury Business District.

1.1 Staff Report

Paul Foley gave the staff report.

- The project was referred by the West Tisbury Planning Board under 3.31A for construction of a building over 2000 square feet.
- The Commission received a letter from Eleanor Pearlson in support of the project.
- The project is in the Mixed-Use Business District and the Greenlands Water Protection District.

- The project will require a permit from the Zoning Board of Appeals for a building over 3,000 square feet and permit for being in the Greenlands Water Protection District and rendering more than 50% of the property permeable.
- The existing building has a one-bedroom apartment in the basement and a two-bedroom apartment with a dog grooming business on the ground floor.
- Hours for racquetball will be 7:00 am – 9:00 pm.
- Vehicular access is from State Road.
- Mr. Ferry owns two lots, one on State Road and one behind it. The project is on the rear lot.
- There are many trees that will provide visual screening of the proposed project. A number of trees will be coming down for the building and Mr. Ferry will be replacing many of them elsewhere on the property. He has been planting mature trees. A final landscape plan has not been submitted.
- There will be no lighting for the tennis court. It will be closed at the end of the day. It will generate some noise.
- Energy sustainability has yet to be clarified.
- Waste management has yet to be clarified. The site has existing flow of 650 gallons per day. 440 gallons are allocated to the two apartments in the house and the remaining 220 gallons per day are allocated to the proposed racquet court building. There is one existing leaching pit on site for roof run-off. The dog-grooming business has a 500-gallon tank with an alarm to indicate when tank should be pumped and wastewater taken to the treatment facility
- Proposed new parking is 8 spaces plus one handicapped. The roadways will be covered with crushed shells. Parking is screened from abutters.
- The traffic study estimates the new building will generate 142 trips on a weekday with a peak hour of 17. Adding the estimated existing traffic generation of the house the total estimated peak-season traffic is 202 daily trips, 24 in a peak hour.
- Sight lines at the intersection are adequate with the exception of one small invasive tree that MassHighway has approved trimming.
- The applicant has agreed to offer a dormant easement connecting to abutting properties. The site is near the West Tisbury hub for the VTA.
- The affordable housing contribution is \$1500.
- Key planning issues are the impact on abutters, traffic, and noise from tennis.
- He presented a slideshow of the existing site conditions.

Bill Wilcox discussed water and wastewater.

- Pre-existing uses can maintain their wastewater flow. The site has approved flow of 660 gallons per day.
- The dog-grooming business has an arrangement with West Tisbury to remove shampoo material so it doesn't go into the groundwater.
- Drainage will accept run-off in large amounts if the land is properly shaped.

1.2 Applicant's Presentation

James Ferry presented additional information.

- He has put in two retaining walls and will put in another in the backside of the court on Estrella's side.
- The retaining wall will be recessed in the ground so the court fence will be about 7 feet above grade.
- Gutters will send wastewater into an underground leaching pit. Courts will have drainage.
- The applicant confirmed that his document of clarifications can become part of the application. The document outlines exterior lighting, affordable housing, wastewater recycling, open space, energy, hours of operation, and donations of time to the Charter School as well as an example of a possible fee structure for the courts.
- The tennis court is recessed into the ground. A natural wood fence will continue on the left side. Sound and windscreen on three sides of the court will keep sound contained.
- It is a pretty heavily wooded lot and well screened. He has already moved spruce and cedar trees. Beech trees were given to Vineyard Gardens for barter. 24 mature oak trees are to be taken out. He has planted a privet hedge at the driveway to keep down visual impact and dust. He has planted trees throughout the property and still has a \$1200 credit at Vineyard Gardens for additional screening. The applicant may use Leland Cypress. Any tree that he cuts down, he will replace with at least one more. The applicant is willing to come back with landscape plan before construction begins, after he can see the layout of the building.
- He has talked to several summer resident neighbors who are excited about the tennis court.
- The security lighting will be motion sensitive.
- The applicant shares deeded access to be used in any way that roads are used in the Town of West Tisbury. He gave up another access to the Perzonowskis. He will give a copy of those deeds to the Commission.
- The outside area of the parking is 10 feet from the lot line. The State Road entrance is not on the right of way. The applicant would be willing to grant a dormant easement similar to Jim Hart's, but he can't give the right to use that property by himself. He's not opposed to the wording of the dormant easement.
- The tight tank alarm light for the dog-grooming business goes off at 500 gallons, indicating the tank needs to be pumped. If the tank gets to 600 gallons, a noisy alarm goes off and does not turn off until the tank is pumped.
- Facing the property from State Road on the right is a residence and then the Wellness Center. The left is Bee's fabric shop, and Citrine, the clothing store. Oak Leaf Landscaping is nearby on Indian Hill Road. Other surrounding uses are offices and apartments and Eileen Blake's Pies. The property is also near North Tisbury and Middletown Exchange with the Post Office, grocery store, and pharmacy.
- The racquetball court is built into the basement. The height is about 31 feet, and meets zoning setbacks and height restrictions. The footprint is 28 feet by 54 feet long, and 23 feet on the Indian Hill end.
- There will be a sign on State Road, incorporated with the dog grooming business. Signs are regulated by West Tisbury. The sign will not be lit at night.
- The property is 150 feet wide plus a 20-foot right of way.

John Breckenridge suggested that the landscape plan come back to LUPC.

Ned Orleans asked whether there is an agreed upon definition of *substantial alternations*.

Christina Brown said that when alterations are done, the question is whether they are substantial enough to require a public hearing; the judgment at the local level is done by the West Tisbury building inspector.

Mimi Davisson asked whether the West Tisbury has done further planning for the area. **Paul Foley** said he talked to the West Tisbury Planning Board and they said that they discussed planning and possible zoning changes along State Road but decided they wanted to continue to keep it as it is.

Jim Athearn asked about primary agricultural soil. **Bill Wilcox** said the high quality soil follows State Road down from Nip and Tuck Farm.

1.3 Town Boards

Christina Brown said that the West Tisbury Planning Board sent a letter stating that they believe the proposal is appropriate for the business district. There was no oral testimony from Town Boards.

1.4 Public Comment

Sharon Estrella, a direct abutter, made the following comments:

- The Ferry site is shielded in the summer and wide open in the winter. The building is huge. There's no way they're not going to have headlights and a big view of the building.
- The building won't be seen from State Road, but it will be from Indian Hill.
- It's the last lot available in the business district. She feels the area is being maxxed out.

1.5 Commissioner Questions

Mark Morris asked about screening between Estrellas and building. **James Ferry** has spoken with Estrellas about screening.

Chris Murphy asked the Estrellas is there anything that can be done to make the project more palatable. **Sharon Estrella** said cutting the height of the building down would make the difference. The area has been residential for a long time. This project is right in the center of the area.

Mimi Davisson asked about noise. **James Ferry** confirmed that there is no restaurant or snack bar; there could be people watching tennis or racquetball; there would not be rentals for parties or catering.

Jim Athearn asked whether a residence could be built on the site. **Mr. Estrella** said that anything bigger than 600 square feet needs a special permit.

Chris Murphy asked whether it would be possible to lower the height of the building by lowering the office space. **James Ferry** needs the income from the offices; he can't guarantee that the courts will be used full time.

Susan Shea asked for clarification on the layout. **James Ferry** said that:

- The racquetball court is 20 feet wide, 20 feet tall and 40 feet long.
- To get the 20 feet height, he needs the 10-foot basement and 10 foot first floor.
- On the ground level will be the changing room and pro shop.
- The building is all within the parameters of West Tisbury zoning.
- He is \$60,000 into the permitting process.
- Commercial land occupies less than 0.5% of the Island.
- From all sides, it will look like a 2-story building.
- He'll have to put handicapped ramp to racquetball court, similar to the Wellness Center's access.

Christina Brown closed the public hearing.

Douglas Sederholm rejoined the meeting.

Commissioners took a short recess.

2. MIDDLE LINE ROAD COMMUNITY HOUSING PROGRAM: DRI NO. 597 – CONTINUED PUBLIC HEARING

Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, M. Morris, C. Murphy, K. Newman, N. Orleans, J. Powell, D. Sederholm, S. Shea, L. Sibley, R. Toole, A. Woodruff

Applicant: Town of Chilmark

For the Applicant: Warren Doty, Selectman; Frank Fenner, Selectman, Riggs Parker, Selectman; David Handlin, architect; Andy Goldman, General Housing Committee; Chuck Hodgkinson, Town Hall employee

Christina Brown re-opened the continued public hearing. Issues to be addressed include septage and drainage issues.

2.1 Staff Report

Bill Wilcox first discussed the general nitrogen issues and responded to statements made on May 10th.

- He believes the scientifically adopted precautionary principle applies to the nitrogen impact on coastal waters issue. The principle states that when there's pretty good evidence that something's causing a problem, don't wait until total proof is available to take action because environmental problems build slowly and are hard to detect.
- He responded to the idea that the systems that denitrify wastewater add more pollutants than they remove due to their power requirements. The net benefit of removing 8 pounds of nitrogen from a sensitive watershed per house and adding 5 pounds to open ocean is a worthwhile trade-off. Because of the prevailing winds, it is highly unlikely that a significant or even measurable amount of the airborne pollutants will end up in the pond. Over 90% of the nitrogen that falls with precipitation back in the watershed is removed by vegetation and does not end up in the pond.
- 1300 kilowatt hours of power for one of the more power intensive denitrification units creates about 3-5 pounds of nitrogen in the air; some of the less power demanding ones

require about half that amount. He believes 20 pounds of nitrogen as claimed at the May 10th hearing is excessive.

- As treatment systems are clustered the requirements are less because the amount of energy used is not directly proportional to the amount of water treated.
- Only about 20% of the nitrogen oxide that is found in the atmosphere is produced by power plants. The rest comes from automobiles.
- He responded to the statement that all of the nitrogen will be absorbed by the wetlands. Wetlands do offer some removal, but there is not good information as to how much be removed by the wetlands. The removal depends on flow rate, retention rate, and the interaction between the water and sediment in the streams. There is a range of 30% to 80% attenuation, which suggests that 50% would be a fair estimate for this project and for other projects that have fresh water systems between them and a coastal pond.
- He responded to the statement that there is no nitrogen in the Tiasquam River. Kent Healey tests for nitrate and ammonia and those test kits are not extremely accurate. Data from the Mass Estuaries weekly sampling program in the Tiasquam indicates that the organic forms of nitrogen are up to 10 times the concentration of the parameters that Kent is testing for.
- Wetlands do take up inorganic nitrogen. They do release organic nitrogen. The total nitrogen in the stream is ten times what the nitrate concentration is.

Bill Wilcox then gave the water resources staff report.

- Approximately 2/3 of the property – about 14 acres – is in the Tisbury Great Pond Watershed.
- The water table under the landfill ranges from 225 feet above sea level to about 172 feet. The water table at the project site is probably perched at something over 150 feet. Water flows toward the headwaters of the Tiasquam.
- Groundwater would take up to 3 – 4 years to get to Tiasquam from the center point of the project site. It's hard to say how long it would take for the stream water to get to Tisbury Great Pond but it would be much faster than the groundwater flow rate once in the Tiasquam.
- Preliminary data from Mass Estuaries Project indicates that 43% of precipitation that falls in the watershed goes down the stream. The rest is evaporated or taken up by vegetation.
- Groundwater from under the proposed site will flow to the wetlands and some will be attenuated.
- The soil type is East Chop loamy sand on 8% up to a maximum of 35% slopes. This is a deep, excessively drained soil. This type of soil is prone to erosion and soil stabilization measures should be taken during construction.
- Chilmark Sandy Loam Soil is also present in the area.
- Soil boring Site Number 9 showed weeping or seeping at about 8 feet and may not be good for leaching.
- There were a few percolation tests that showed 10-15 minutes per inch which is a moderate rate. Slower rates require larger leaching fields.
- Wastewater treatment would be most effective in the best percolation sites. Clustering systems or leaching sites could be effective.

- Groundwater can be difficult to find in reasonable qualities and depth and it might be useful to locate a single site for one or two common supply wells or for all the wells.
- The project with individual septic systems meets the Commission's water policy guideline with 50% nitrogen attenuation in the wetlands without wastewater treatment, that's with an assumed landscaped area of 3000 square feet per building site.
- The 50% attenuation rate is drawn from Mass Estuaries Project papers and from discussions with a DEP representative and is for sites with an intervening fresh water system between the wastewater source and the receiving estuary.
- Field notes show seepage at 8 feet indicating that something is retarding infiltration.
- It is worth looking at clustering for economies of scale either in clustered leaching site or septic systems, especially if percolation is an issue.
- 14 acres of the site are in Tisbury Great Pond Watershed so 14 acres are used for the nitrogen calculations.
- The calculated load from the project is 58.6 kilograms. With 50% attenuation, the load is 29.3. The Commission guideline, without factoring in an affordable housing nitrogen bonus, is 29.7 kilograms.
- He clarified that he felt that an implied objection to the air contaminants released by power generated to run the treatment systems was that the contaminants would end up contaminating the watershed anyway. His theory is that, due to prevailing winds, airborne contaminants released by power plants would not end up in the watershed.

2.2 Public Testimony

Christina Brown reviewed a letter the Chilmark Planning Board that urged the Commission to approve the preliminary plan as presented. The Planning Board is confident that any outstanding issues will be addressed in the Form C hearing.

Christina Brown clarified that the plan will be presented to the Planning Board in a two-step process. If the Commission were to approve the plan, then the applicant would have to file a definitive plan that would have to be submitted to the Commission and would require a public hearing.

2.3 Applicants' Presentation

Warren Doty made the following comments.

- Bill Wilcox's report on nitrogen is very thorough and backed up by good science.
- Mr. Casuto's property will not be part of the DRI. It is a 21-acre application.
- For many years, the Selectmen have tried to buy land closer to town but only the school property has come to fruition. If land closer to the town center were available, the town would quickly try to buy it.

Warren Doty and **Riggs Parker** outlined the offers.

- The applicants are offering to not subdivide the parcel any further and are limiting the number to 12 units.
- The applicants are offering to establish a no-cut zone, if the Commission believes that this should be put in place. They noted that some open meadows would allow for a more varied habitat.

- They are agreeing to do an archaeological study and have been discussing with PAL the parameters for the study at a cost of \$15,000.
- The final egress and entrance will be shown on the Form C application. The Selectmen have a plan but haven't finished negotiations. The Planning Board will insist there be proper access.

There was a discussion of wastewater treatment.

- **Kathy Newman** said it appears that the project meets nitrogen-loading guidelines. However, there appears to be an underlying recommendation to think about clustering. Was any thinking by Selectmen that there might be more than one solution to the wastewater issues?
- **Riggs Parker** said that the Selectmen are not developers. Their mandate was to create a project that is economically viable that requires as few permits as possible. That doesn't mean the Selectmen can't bring a warrant before the Town asking if the Town wants to get more creative.
- **Glenn Provost** said that when leaching areas are moved away from lots, expense is added. The Planning Board and Board of Health encouraged individual on-site systems with each homeowner responsible for their own system. The advantages to keeping systems closer to the dwelling are related to responsibility and cost.
- **Warren Doty** explained that they planned on septic systems being gravity fed. If they are clustered, pumping is necessary and that adds more expense. However, he hadn't thought about clustering for straight leaching.
- **Bill Wilcox** said that if there is a location that is ideal for filtration, it might be better to cluster. Additionally, the advantage to treatment is that, when the liquid is clarified, the leaching area is reduced and the life of the system is extended.
- **Kent Healey** gave some background on nitrogen and denitrification systems.
 - Advanced systems are needed where there isn't enough land. These sites have enough land to create leaching areas that work forever.
 - The simplest and cheapest solution is to create a leaching area large enough to absorb everything.
 - The Commission energy policy is great, but when the Commission encourages the use of electricity where it's not needed it is contradicting itself.
 - If the leaching system is large enough it won't fail.
 - Any nitrogen that leaches through will be absorbed by the wetlands.
 - Lot number 9 weeps at 8 feet. There are guidelines for separation between groundwater and the bottom of the leaching bed. In Massachusetts the requirement is 4 feet separation and in Chilmark it is 5 feet.
- **Russell Walton**, Planning Board, said the Board of Health has made it clear that they want individual septic systems and wells.

Chris Murphy asked for clarification on the archaeological study. **Warren Doty** said that the building envelopes are being surveyed, not the areas that won't be disturbed.

There was a discussion of setbacks.

- **Andrew Woodruff** asked about the setback from the Emin lots and whether the house lots are located specifically because of septic. He wondered if there could be greater separation.
- **Riggs Parker** said the issue is being negotiated with neighbors. Lot location is driven by septic systems.
- **Andrew Woodruff** asked whether alternative treatments systems could accommodate greater setbacks.
- **Riggs Parker** said he didn't really want to go into it because negotiations are on-going. Answers will be provided when the Form C is filed.

David Handlin responded to questions about universal design; a lot of entities have interest in how buildings are built; everyone is well-intentioned, but some intentions are in conflict. He looked at universal design and will take it into consideration. **Susan Shea** said it wouldn't be out of realm to apply universal design to the rental units and do some very basic things to accommodate use by the elderly or wheelchair bound.

Linda Sibley said it wasn't the Commission's intent to say a meadow wasn't open space. No-cut is appropriate to create buffers for privacy, but natural meadows could be appropriate. The open space guidelines are policies not rules.

Ned Orleans asked for clarification between major alterations and substantial alterations.

There was a discussion of the income levels for affordable housing.

- **Doug Sederholm** asked for clarification of the affordable housing offer and why no units are dedicated to below 80% of AMI. The people who need the most help are people earning less than 80% AMI.
- **Russell Walton** explained that the Housing Committee created a limitation of 150% AMI for maximum flexibility. The people on the waiting list fit into under 100% AMI category. None of these units would add to 40B inventory, unless they were dedicated to people at or below 80% AMI.
- **Warren Doty** added that mortgaging arrangements are difficult when buying land and a house. People below 100% AMI probably wouldn't qualify for a \$250,000 mortgage. The Housing Committee will have to sift out people who don't show enough income. For the rental units, the Housing Committee sent a maximum number and didn't see the need to restrict themselves to a lower number. The Housing Trust will manage rental units and the CPA will kick in when AMI is 100% or below.

Warren Doty explained the preferential point system that counts volunteer work in Chilmark and working and/or living in Chilmark.

Christina Brown closed the public hearing. LUPC will review the information on June 11th.

3. B.A.D.D. COMPANY: DRI NO. – MODIFICATION REVIEW

Commissioners present: J. Athearn, J. Breckenridge, P. Cabana, M. Davisson, M. Morris, C. Murphy, K. Newman, N. Orleans, J. Powell, D. Sederholm, S. Shea, L. Sibley, A. Woodruff

For the applicant: Michael Donaroma, applicant; Dick Barbini, engineer.

Doug Sederholm outlined the history of the project and the proposed modification.

- The project was originally a 32-lot subdivision with 110 bedrooms, based on the Edgartown Board of Health Regulations for Title 5 systems.
- The GOOD project for the Field Club took 7 lots in the center of the subdivision, proposed sewerage the entire subdivision and funding wastewater flow from Edgartown Great Pond Watershed subdivisions.
- At this time the developers want to confirm that B.A.D.D. Company is approved for 25 lots and 110 bedrooms, for which they have wastewater flow.
- The question is whether this is a modification of sufficient significance to require a public hearing.

Ned Orleans reported that LUPC recommends to the full Commission that the modification to the subdivision to allow ten lots with five bedrooms and fifteen lots with four bedrooms be approved with the provision that the project not go over the original approved flow.

Dick Barbini explained that GOOD applied for a modification of B.A.D.D., which was approved for 121,000 gallons for 110 bedrooms.

Mark London said the traffic calculation is done by lots, not bedrooms.

Mike Donaroma said one of the reasons Mimi Davisson was willing to vote for GOOD was the emergency road, which is still included. Additionally, the zoning board requested a widening of the entrance road and the addition of an emergency entrance.

Ned Orleans moved, and it was duly seconded that the modification is not sufficiently significant to require a public hearing. A voice vote was taken. In favor: 12. Opposed: 0. Abstentions: 1. The motion passed.

Linda Sibley moved, and it was duly seconded, to accept the proposed modification to modify the subdivision to allow ten lots with five bedrooms and fifteen lots with four bedrooms with the provision that the project not go over the original approved flow. A roll call vote was taken. In favor: J. Breckenridge, P. Cabana, M. Morris, C. Murphy, K. Newman, N. Orleans, D. Sederholm, S. Shea, L. Sibley, A Woodruff. Opposed: None. Abstentions: Jim Athearn, M. Davisson. The motion passed.

1. MARTHA'S VINEYARD HOSPITAL: DRI NO. 324M

Commissioners present: Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, M. Morris, C. Murphy, K. Newman, N. Orleans, J. Powell, D. Sederholm, S. Shea, L. Sibley, R. Toole, A. Woodruff

For the applicant: Tim Sweet, Vice Chairman, MV Hospital Board of Trustees; Tim Walsh, Chief Executive Officer, MV Hospital

Doug Sederholm reviewed the written decision which states a final design for the exterior of the building, clad in brick, shall be submitted to and be subject to approval by the Commission before issuance of the building permit.

Kathy Newman asked whether the brick is going to be uniform. **Mark London** explained that sometimes there is a wide variation in color; in this case, there is a subdued range of red-

grey bricks, as seen by the Commission in last year's hearing. At a meeting with the Hospital architects and the informal committee of local architects, it was decided to eliminate the darkest red in that range, so that the building is not too dark.

Tim Walsh explained that the Hospital has been working with the committee of Island architects for several months.

- It's been a good process and they ended up with a superior project.
- The Committee is encouraging the Hospital to restore the original tower design, five feet higher than the current proposal, and keep the band of windows on four sides. This had been lost through the zoning hearing.
- The Committee was unanimous on recommending the final rendering.

Mark London explained that the group met on a few occasions and worked as a cooperative feedback group.

- The original plan had an artificial wood façade on the front.
- For wind reasons, the designers switched to brick, but at the time of the Commission review, they still had some of the wood detailing of the earlier scheme, that didn't really work for a brick building.
- The hospital architects and informal group worked to make the building more coherent.
- There is no denying having a large brick building will stand out. The front canopies with wood-like detailing will soften the effect somewhat.
- The architects felt that when the tower was lowered by the ZBA, it seriously compromised what had been the main architectural feature of the building.
- The committee noted that the few brick buildings on the Island are red brick and felt that mid-range red was more appropriate than grey or yellow.

Tim Sweet explained that the brick style is closer to the high school than the courthouse. It is pretty close to Educomp. The intent is for a traditional look.

Mark London said that the bricks are larger than traditional size. He suggested that the applicants get a mock-up made before they order the brick.

John Breckenridge said he is concerned about whether the Commission approving a specific brick with a color or a general concept. The architects made a pretty careful point of making the hospital look homey, with color and pitches.

Linda Sibley moved and it was duly seconded that the Commission approve the shape and design of the building, except for the color of the brick which they would like to see. The Commission also endorses the Hospital's pursuing adding the five feet back onto the tower.

Christina Brown said she would like the committee of architects to give the Commission advice on the brick color.

Mark Morris said the new plan is homely and took all the character out of the building.

Patrick King, 34 Windemere, abutter, said you see one thing and you get another.

- The abutting homeowners would like to go back to at least to what was originally presented in the picture for the last two years.
- He's talking about the whole façade, the entirety of the building.

- He asked whether the elevation was based on the existing elevation or after the base level was filled. [**Doug Sederholm** said that was clearly explained.]
- He asked what the back lighting will be so he can know how it will affect aides to navigation.

Jim Athearn said he is more inclined to accept an architect's expert opinion than his own.

Mark Morris said he thinks the original plan is better looking even if it were in brick.

Christina Brown said the Commission didn't vote to send it to an architect committee and then accept their opinion. It was an advisory committee. Their recommendations don't lift the responsibility from the Commission.

Linda Sibley added that one aspect of the new design is the loss of the tower. It makes the building look dumpy. She agrees that professional architects are better at translating pictures into real much larger scale than most people can picture. She is really curious about the brick. Commissioners may need to go look at other brick buildings on the Island.

John Breckenridge said the issue of the tower keeps coming up.

- Special permits are issued for towers up to 50 feet.
- If a tower is beyond 50 feet, a variance is required. Any such variance would be going beyond the intent of the by law.
- Oak Bluffs has been reluctant to issue variances because they are in conflict with the intent of the by-law.
- It's possible that a zoning change could be instituted for the Hospital District.

Mark Morris talked about brick. He's not against red, but he always figured the building was going to be a gray brick.

There was a discussion of the detailing.

- **Kathy Newman** said they've lost the detail that kept the building from looking so institutional.
- **Mark London** pointed out that people were comparing the perspective of a brick building with the original sketch of a building that was designed as a wood building, with artificial shingles. When the decision was made to switch to a brick building, it was clear that it would no longer have cute wood detailing. He mourned the loss of that detailing when the switch was made last year. He couldn't think of any brick building with the kind of wood detailing in the original plan.
- **Peter Cabana** said the design was done to withstand wind. When brick is used, detailing is lost.
- **John Breckenridge** pointed out that Windemere is overdetailed and is a structure that was destined to have problems because of the detailing. The Hospital is an institutional structure. The simplicity speaks to the length of service of the buildings.

Tim Sweet confirmed that there were no interior changes.

Chris Murphy added that it's okay for an institutional building to look like an institutional building. A good solid hospital is okay.

Mimi Davisson asked whether the new design has been shown to people besides architects.

Ned Orleans said his wife likes the design.

Tim Sweet said that after a while you get used to it.

- The building will not be pink.
- The Commission wanting to see the color is a good idea.
- At first the architects discussed the possibility of using gray brick, but decided to stay with the traditional red color.

Doug Sederholm said the motion is to approve the architectural plan that's been submitted with the caveat that the applicants will come back and show Commissioners the brick color, size, and mortar. Additionally, Commissioners support raising the tower.

A raised hand vote was taken. In favor: 11. Opposed: 2. Abstentions: 0. The motion passed.

A certificate of compliance can be issued to the building inspector, with a statement to the Zoning Board of Appeals that the Commission supports the original height of the tower.

5. STONE BUILDING RENOVATION

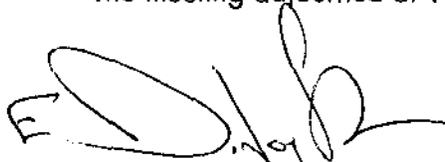
Ned Orleans moved, and it was duly seconded, to support the recommendations for renovation of the MVC offices - the Stone Building - which includes new windows, chimney, new roof, and gutters and to authorize the Executive Director to proceed to re-mortgage the building .

- **Susan Shea** said she would like to see some sort of renewable energy go into the building, if it's possible. **Mark London** said that, at this point, every penny is be accounted for.
- **Christina Brown** said she would like the trim painted red like it used to be.
- **Doug Sederholm** clarified that they're approving the scope of the work so they can get the building refinanced. We would have an opportunity to look at the specifics later. He might set up a subcommittee of Commissioners to follow the project. .

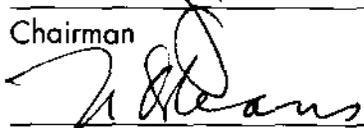
A voice vote was taken. In favor: 13. Opposed: 0. Abstentions: 0. The motion passed.

Christina Brown thanked Mark London and Jeff Wooden for the work they've done to squeeze out the money.

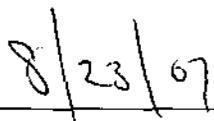
The meeting adjourned at 10:27 p.m.



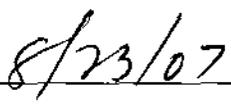
Chairman



Clerk-Treasurer



Date



Date

Reviewed by Mark London on June 29, 2007