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Minutes of the Commission Meeting Held on October 4, 2018 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

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

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| P Gail Barmakian (A-Oak Bluffs) | - Michael Kim (A-Governor; non-voting) |
| - Tripp Barnes (E-Tisbury) | P Joan Malkin (A-Chilmark) |
| - Leon Brathwaite (A-County) | - Katherine Newman (A-Aquinnah) |
| P Christina Brown (E-Edgartown) | P Ben Robinson (A-Tisbury) |
| - Peter Connell (A-Governor; non-voting) | P Doug Sederholm (E-West Tisbury) |
| P Robert Doyle (E-Chilmark) | P Linda Sibley (E-West Tisbury) |
| P Josh Goldstein (E-Tisbury) | P Ernie Thomas (A-West Tisbury) |
| P Fred Hancock (E-Oak Bluffs) | P Richard Toole (E-Oak Bluffs) |
| - James Joyce (A-Edgartown) | P James Vercruysse (E-Aquinnah) |

Staff: Adam Turner (Executive Director), Paul Foley (DRI Planner), Dan Doyle (Regional Planner).

Chairman James Vercruysse called the meeting to order at 7:00 p.m.

1. EXECUTVE DIRECTOR'S REPORT

Commissioners Present: G. Barmakian, C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

Adam Turner presented the following:

- He showed some drone footage as an example of the resolution. It will provide a perspective of what we have not had before.
- The Steamship Authority meeting will be on October 18, 2018. The character and capacity of the Island is being affected by the number of cars arriving. We have looked at if we have reached capacity and how does it affect us. This is the beginning of the process to review. We originally thought to have the SSA review policy and the numbers and obtain the information and facts. The SSA will meet and have their Board Meeting the day before our meeting to review rates. What we need to determine is how do we structure our meeting, do we need a larger venue and what questions do we have for them.
 - **Ben Robinson** said can we provide questions in advance.
 - **Gail Barmakian** said we should be able to ask the SSA questions.
 - **Josh Goldstein** said he did not want to see this meeting turn into another meeting like what was previously held at the High School.
- He specifically said the MVC does not want to discuss the condition of the ferries but discuss topics such as truck volume, commodities, capacity and how it affects the Island and try to get a breakdown of excursion versus regular traffic so we can view the demands of the permanent

population. If we are going to do this correctly we should approach it the same as we do for a public hearing.

- **Doug Sederholm** said shouldn't we be engaging with them about the volume for the future and projections and how it affects the quality of life on the Island.
- **Linda Sibley** said in the past when that issue has been raised the SSA has said it is not their problem.
- **Doug Sederholm** said but perhaps they should be thinking of that.
- **Linda Sibley** said as part of the history in the past the MVC voted not to have the second slip in Vineyard Haven and the SSA received exemption from the legislature.
- **James Vercruyse** said maybe the MVC does not have regulatory power over the SSA but we do have a voice.
- For this meeting we should focus on what are the projections, what are their policies and those kinds of issues. If you do have questions please give them to him in advance and we can have the SSA consider them. This is a first meeting and we need to evaluate future conditions and then develop our policy.
 - **Ben Robinson** said will this just be Commissioners asking questions.
 - **Adam Turner** said it was set up as a working session with the MVC.
 - **Christina Brown** asked where the first meeting is being held and what the date is.
 - **Josh Goldstein** said it is on October 17, 2018 at the High School and the last part of the agenda is to discuss the rate. Sean Driscoll (the SSA's Communications Director) is easily accessible and responds quickly.
- We have been doing open space plans for Aquinnah and Gosnold. They gave us three weeks and we completed those projects for them. We submitted them and they were conditionally approved by the State and he thanked Chris Seidel for her help.
- He asked Paul Foley for an update on the fee schedule review.
 - **Paul Foley** said he met with Ernie Thomas this week and the fee schedule was last updated in 2002. The consumer index is now 35% higher so perhaps we should increase to that level and we should add a small fee for modifications and overall raise the fees based on the Consumer Product Index. Ernie Thomas will be preparing a recommendation to present to the Executive Committee.
 - **Joan Malkin** asked how the fee schedule was put together.
 - **Fred Hancock** said it was done more for a bigger project than for a smaller project.
 - **Paul Foley** said it was based on square footage and waste issues.
 - **Linda Sibley** asked currently if a modification goes to public hearing is there a fee.
 - **Paul Foley** said there is and it gets the full fee schedule.
 - **Linda Sibley** asked if he was suggesting a fee just for coming to the MVC even if there is no public hearing.
 - **Paul Foley** said yes, as there is time that is put into it.
 - **Adam Turner** said it will be taken to the Executive Committee in the next few weeks and then to the full Commission.
 - **Robert Doyle** asked if the affordable housing fees have been looked at.
 - **Adam Turner** said that is another policy and we will look at that next.

2. VERIZON TOWER-TISBURY DRI 677 PUBLIC HEARING

Commissioners Present: G. Barmakian, C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

James Vercruysse, Public Hearing Officer, opened the Public Hearing and continued it to November 15, 2018 without taking any testimony. It was noted that the applicant did not have the information ready to submit to the MVC.

3. OAK BLUFFS EMERGENCY SERVICES RADIO TOWER-OAK BLUFFS DRI 685 DELIBERATION & DECISION

Commissioners Present: G. Barmakian, C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

3.1 Offers

James Vercruysse, Chairman presented the applicant's draft offers.

- The existing VHF emergency communication network will remain fully functional until such time as the proposed Martha's Vineyard Public Safety Communications System (MVPSCS) is operational for the entire island.
- If and when the proposed 140' tower becomes obsolete or is no longer used it will be taken down.
- The proposed 140' Public Safety Communications System tower will be used only for public safety communications. There shall be no commercial use of the tower.
- The proposed 140' Public Safety Communications System tower shall be designed and constructed, at a minimum, to the national code for Class III Structures for coastal areas.

James Vercruysse said it has been noted that Class II towers/structures are defined as those used primarily for essential communications such as emergency, rescue or disaster operations as well as military and navigation facilities.

3.2 Benefits and Detriments

James Vercruysse said the benefits and detriments were reviewed at the LUPC and many do not apply.

- Wastewater: It is not applicable.
- Open Space: The property is industrial.
- Lighting: Undetermined yet what is required by the FAA.
 - **Linda Sibley** said we could say no more than what is required by the FAA.
 - **Fred Hancock** said we were going to say as required by the FAA.
- Traffic: It is not applicable.
- Scenic Values: This will be a detriment due to the fact that the tower will be somewhat visible from a variety of locations. This is minimized by the location being setback several hundred feet from the road and behind a large building.
- Character and Identity: The site is industrial.
- Impact on Abutters: No one came to speak at the public hearing or wrote against the proposal.
- Affordable Housing: It is not applicable.
- Burden on Taxpayers: This will provide improved public safety communications and is being paid for, at least partially, by the State.
- Burden on Other Public Facilities: Phase 3 will require all departments to get upgraded radio equipment. While there may be a cost to that it will be a benefit to the service provided.
- Consistency with Plans: It is.
- Conforms to Zoning: The town is the co-applicant.

- Conforms to DCPC: The project site is not subject to any DCPC.

3.3 Land Use Planning Committee Report

Fred Hancock said we were assured that if they built the tower to the standard that it would be the most current specification and the most applicable. **Paul Foley** said we can say it will be the most recent standard in the event it is changed again.

Fred Hancock said that LUPC also said it is appropriate in view of the alternatives for the Town and the location.

Adam Turner said that we found between the hearing and the LUPC that the grant was awarded for \$1.5 million, and it is a Federal grant awarded for public safety.

Fred Hancock moved and it was duly seconded to approve the proposal as presented with the offers as corrected and amended.

- **Fred Hancock** said the wind standard is an offer and we clarified it.
- **Linda Sibley** asked who is responsible for the long term maintenance.
- **Sheriff Ogden** said it is part of the long term program so it is the Sheriff's office.
- **Joan Malkin** said it is part of the town.
- **Sheriff Ogden** said it is written into the grant since it completes the point to point communication center.
- **Gail Barmakian** said who provides the service. You do not have to contract with a company for the technology.
- **Sheriff Ogden** said Motorola creates the equipment.

Roll call vote. In favor: G. Barmakian, C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.

Gail Barmakian excused herself from the meeting.

4. KATAMA AIRFIELD HANGAR-EDGARTOWN DRI 624 EXTENSION REQUEST

Doug Sederholm recused himself as the lease holder is a client of his.

Eligible Commissioners: C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, B. Robinson, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

For The Applicant: Fr. Michael Nagle

4.1 Staff Report

Paul Foley presented the following:

- Fr. Nagle is one of the Airfield's Commissioners.
- The Town of Edgartown owns the airfield/airport and they want to build a new hanger.

4.2 Applicants' Presentation

Fr. Nagle presented the following:

- It passed unanimously at Town meeting, but last Spring an Edgartown warrant article that would have funded the hangar had a tied vote.
- The specifications of the project are unchanged.
- We are requesting an extension from the MVC so we can put it to the Town again in Spring 2019 and with MVC approval.

Linda Sibley moved and it was duly seconded to extend for two years.

- **Christina Brown** asked for a quick summary of the conditions.
- **Josh Goldstein** said nothing has changed.
- **Paul Foley** said one of the main obstacles was the conservation restriction. The project was approved, had a two year extension and came back again in 2016.

Roll call vote. In favor: C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, B. Robinson, L. Sibley, E. Thomas, R. Toole, J. Vercruyse. Opposed: none. Abstentions: none. The motion passed.

Doug Sederholm rejoined the meeting.

5. LAGOON RIDGE SUBDIVISION-OAK BLUFFS DRI 464-M3 EXTENSION REQUEST

Eligible Commissioners: C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruyse.

For the Applicant: Eric Peters, Deborah Watrous

Adam Turner said just last week we spoke of Davio and what a good guy he was.

5.1 Applicants' Presentation

Eric Peters presented the following:

- The Form C has expired and we are asking for an additional six months.
- The two year period was exceeded due to personal issues of Davio Danielson, who passed away in late August 2018.
- Changes in the subdivision were also required by the Oak Bluffs Planning Board in their approval of the Special Permit. It required the owner to revise Cluster C by adding peripheral 50 foot buffer zones. As a result, all the roads, lot lines and engineering plans for Cluster C required minor but time consuming revisions. They were approved on August 9, 2018.
- We are in the process of reviewing the other conditions of approval and will be revising the covenants and submitting them for review.

5.2 Commissioners' Questions

Doug Sederholm suggested that the applicant ask for a one or two year extension. Eric Peters said they would appreciate that.

Linda Sibley said are all the issues previously reviewed still being worked on. Eric Peters said there is the same percentage of open space. We had ten of the fifteen done.

Joan Malkin said can the MVC still extend if it has expired.

Doug Sederholm moved and it was duly seconded to extend for two years.

- **Richard Toole** said he was riding his bike through there last week and he would be sad if this did not go through. He appreciates how the applicant handles themselves and the project is good for the environment and the Town.

Roll call vote. In favor: C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruyse. Opposed: none. Abstentions: none. The motion passed.

6. VINEYARD GOLF-EDGARTOWN DRI 484-M9 MINOR MODIFICATION

Eligible Commissioners: C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruyse.

6.1 Staff Report

Paul Foley presented the following:

- This modification came in on Tuesday October 2, 2018 and he was able to put it on the agenda since it was such a minor modification. We are able to add items to the agenda if less than 48 hours if they are minor. It is a project we approved earlier this year.
 - **Adam Tuner** said if the Commissioners do not feel comfortable with Paul Foley's analysis they do not need to hear it tonight.
- He read the following regarding Open Meeting Law.

"May a public body consider a topic at a meeting that was not listed in the meeting notice? Yes, if it is a topic that the chair did not reasonably anticipate 48 hours before the meeting. If a meeting topic is proposed after the meeting notice is posted, the public body is encouraged to update its posting to provide the public with as much notice as possible of what subjects will be discussed during a meeting. Although a public body may consider a topic that was not listed in the meeting notice if unanticipated, the Attorney General strongly encourages public bodies to postpone the discussion and action on topics that are controversial or maybe of particular interest to the public if those topics were not listed in the meeting notice."

 - **Linda Sibley** said she did not think it is controversial to attach something to a Town water system.
 - **Fred Hancock** said when we heard it no one attended the public hearing so it wasn't controversial then.
 - **Richard Toole** said that Paul Foley reached out to him for LUPC and he did not feel it was controversial.
- The applicant is asking to amend part of the DRI modification that allows a 7'x7' on course bathroom with a septic system. The applicant has relocated the bathroom to an inner portion of the golf course and it will be connected to the town wastewater system.
- The building will be slightly larger 11'7" x 11'7". It is now 135 sf.
- It will be in the middle of the property so it will be less visible.
- The previous system was to be an IA system.
- The site plan was reviewed and where the sewer line would be extended.

James Vercruyse, Chairman asked if the Commissioners were comfortable with moving forward. The consensus was to move forward.

Linda Sibley moved and it was duly seconded that the modification is not significant enough and does not require a public hearing. Voice vote. In favor: 11. Opposed: 0. Abstentions: 0. The motion passed.

Linda Sibley moved and it was duly seconded to accept the modification as being beneficial. Roll call vote. In favor: C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruyse. Opposed: none. Abstentions: none. The motion passed.

251 **7. NEW BUSINESS**

252 *Commissioners Present: C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, B. Robinson,*
253 *D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.*

254 **7.1 Scheduling**

255 **Adam Turner** presented the following:

- 256 • There is a site visit on October 5, 2018 for Captain Edwin Luce House Demolition in West
- 257 Tisbury.
- 258 • The LUPC will meet on October 15, 2018.
- 259 • The SSA meeting is on October 18, 2018 and asked that the Commissioners provide him with
- 260 their questions and comments.
- 261 – **James Vercruysse** said it will be a public meeting but he will facilitate it so it is
- 262 productive.
- 263 • The MVC Meeting on October 11, 2018 has been cancelled.

264 The meeting was adjourned at 7:45 p.m.

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267 **DOCUMENTS REFERRED TO DURING THE MEETING**

- 268 • DRI 685 Oak Bluffs Emergency Services Radio Tower Draft Possible Offers
- 269 • Martha's Vineyard Commission Land Use Planning Committee Notes of the Meeting of
- 270 October 1, 2018
- 271 • DRI 685 Oak Bluffs Emergency Services Radio Tower Structural Criteria for Wind
- 272 • DRI 685 Oak Bluffs Emergency Services Radio Tower, excerpt from TIA/ANSI Standards
- 273 • Renewal of Katama Airfield Hangar Reconstruction Permit , email to Paul Foley from Harald
- 274 Findlay, Dated October 2, 2018
- 275 • Request for Extension Lagoon Ridge Subdivision DRI 464-M3, Dated October 1, 2018
- 276 • Frequently asked questions about Open Meeting Law: meetings, notices and minutes
- 277 • Vineyard Golf Club DRI # 484-M Edgartown, MA Modification Request, Dated October 2, 1018

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282 _____
283 Chairman

11.15.2018

Date

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286 _____
287 Clerk-Treasurer

15 NOV 2018

Date