

THE MARTHA'S VINEYARD COMMISSION

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Land Use Planning Committee Summary of May 22, 2000 Meeting Olde Stone Building

Members present: Christina Brown, Michael Donaroma, Linda Sibley, Richard Toole
Robert Zeltzer

Staff present: David Wessling

Others present: Julia Wells, Richard Johnson, Stuart Johnson, Stephen Faost

Meeting opened at 5:42 P.M. by Michael Donaroma

Herring Creek Farm Trust (DRI #500)

Mr. Donaroma began the meeting by discussing the proposed Declaration of Covenants and the Conservation Restrictions. Ms Sibley stated her concerns about the term of covenants. In as much as is possible, her preference would be to recommend a term of more than 30 years.

She requested that the matter be referred to the Commission's Counsel. Specifically she framed this question for Counsel: "what mechanisms are available...to make perpetual those covenants, restrictions and easements that need to be?"

Mr. Donaroma asked the Members if the contents of the covenants and restrictions are acceptable. Ms. Sibley responded that she was uneasy about the design of the "cluster subdivision" and the preservation of the Central Field's open space. She said that she would not vote to approve the subdivision if the Central Field was not preserved in perpetuity.

Her remarks led to a discussion of the cluster subdivision and the conservation restrictions. Stuart Johnson spoke about the nature of conservation restrictions and how they differ from the covenants. His remarks referred to a letter from the Trust which pertained to the term of the covenants.

In light of Mr. Johnson's comments, Ms. Sibley rephrased her question to Counsel. She would like to know if "Counsel is satisfied that the mechanisms in the conservation restrictions are solidly perpetual, [or] satisfactory." Ms Sibley, again, noted that the Central Field should remain as undivided open space.

Mr. Donaroma summarized the meeting thus far. Provided that the perpetuity issue is satisfactory, he and Ms. Sibley agreed that the LUPC is "close to recommending [approval of]" the proposed covenants and restrictions.

Mr. Donaroma then initiated a discussion of the Applicant's affordable housing offer. Ms. Sibley asked questions about the size of the on-site "affordable" dwellings and the eligibility requirements. Mr. Zeltzer also questioned the offer of housing an employee in the caretaker's cottage. Ms. Brown explained the offer actually consists of two rental apartments in the barn complex and an off-site lot.

Mr. Zeltzer asked questions about other uses of the barn complex. Mr. Johnson explained how portions of the barn complex would be used for storage and also described the extent of proposed renovations. Mr. Zeltzer also questioned the compatibility of dwellings and the non-residential uses of the barn. Later he discussed insurance liability of mingling residential and non-residential uses. Other Members pointed out the need to comply with building and occupancy codes.

Ms. Brown wondered if the Trust intended to restrict the types of residents eligible to occupy the "affordable" dwellings. Mr. Johnson replied by saying that "the Dukes County Regional Housing Authority will have control of who lives there."

Ms. Brown asked the Members if the "the off-site lot is a good idea?" Ms. Sibley asked if the lot would be serviced with utilities? Ms. Brown asked if the lot would be "buildable"? These and other questions led to a discussion of an "equivalent lots", the issue of an off-site lot versus a monetary contribution and the role of the Housing Authority.

During the discussion, the Members reviewed the current affordable housing policy. Ms. Brown and Mr. Zeltzer read the relevant sections of the policy into the record.

Ms. Sibley interpreted the Applicant's offer as an alternative to the Commission's policy.

At last, Ms. Brown said that she was "ready to recommend approval of the Applicant's affordable housing offer "with a slight modification". The modification pertained to:

- the Housing Authority's control of tenant selection,
- an understanding that "excessive costs" (i.e., insurance costs) will not be passed on to the tenants,
- the location of the off-site lot (i.e., the lot must be in Edgartown), and
- the off-site lot's conformity to the Commission's "buildable" standard.

Mr. Toole argued for an off-site lot of "equivalent value" rather than equivalent size. Mr. Donaroma questioned Mr. Toole's interpretation. Ms. Brown and Mr. Donaroma explained the evolution of the affordable housing policy. Ms. Sibley shared Mr. Toole's view. An extended discussion followed as to affordable housing generally, about the meaning of "equivalent lot" and the role of the Regional Housing Authority.

Before leaving, Mr. Donaroma outlined his expectations for the next meeting to be held on May 25th. At that time, a progress report of today's meeting (May 22nd) will be presented.

The Members discussed the schedule of other project reviews. Members asked about the status of the Down Island Golf Course and if any reports have been received.

Mr. Zeltzer and Ms. Sibley requested copies of the Herring Creek covenants and restrictions in preparation of the May 25th meeting.

The Committee agreed that LUPC meetings on June 5th and 12th will be set aside in order to review the Down Island Golf Club proposal.

Meeting adjourned at 6:43 P.M.

Summary prepared by David Wessling