

# THE MARTHA'S VINEYARD COMMISSION

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## Minutes of the Regular Meeting of April 17, 2003

Held in the Olde Stone Building,  
33 New York Avenue, Oak Bluffs, MA

### IN ATTENDANCE

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**Commissioners:** Jim Athearn, Chairman (Elected – Edgartown), John Best (Elected – Tisbury), Christina Brown (Elected – Edgartown), Linda DeWitt (Appointed – Edgartown), Jane A. Greene (Appointed – Chilmark), Tristan Israel (Appointed – Tisbury), Katherine Newman (Appointed – Aquinnah), Megan Ottens-Sargent (Elected – Aquinnah), , Robert E. Schwartz (Appointed -West Tisbury), Alan Schweikert (Appointed - Oak Bluffs), Douglas Sederholm (Elected -Chilmark), Linda Sibley (Elected -West Tisbury – Elected), Paul Strauss (Appointed Dukes Count), Richard Toole (Elected - Oak Bluffs).

**Staff:** Mark London (Executive Director), Jennifer Rand (DRI Coordinator), Bill Wilcox (Water Resources Planner), Bill Veno (Regional Planner).

### 1. AT&T (DRI No. 561) - CONTINUED PUBLIC HEARING

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*Commissioners present for the Continued Public Hearing:* J. Athearn, J. Best, C. Brown, L. DeWitt, J. Greene, T. Israel, D. Moore, K. Newman, M. Ottens-Sargent, R. Schwartz, A. Schweikert, L. Sibley, D. Sederholm, P. Strauss, R. Toole.

At 7:37p.m., there being a quorum present, Christina Brown, the Hearing Officer, opened the meeting and read the Notice of Public Hearing. Christina Brown immediately opened and continued the Public Hearing until May 1, 2003 at 7:39 p.m., as requested by the applicant.

## 2. ISLAND ELDERLY HOUSING (DRI No. 564) – CONTINUED PUBLIC HEARING

*Commissioners present for the Continued Public Hearing:* J. Athearn, J. Best, C. Brown, L. DeWitt, J. Greene, T. Israel, D. Moore, K. Newman, M. Ottens-Sargent, R. Schwartz, A. Schweikert, L. Sibley, D. Sederholm, P. Strauss, R. Toole.

*Present for the Applicant:* Carol Lashnitz, Director of Island Elderly Housing, Peter Zorzi, Architect, Studio One; Doug Hoehn, Civil Site Engineer.

At 7:40 p.m., there being a quorum present, Christina Brown, the Hearing Officer, opened the meeting and read the Notice of Public Hearing.

Carol Lashnitz said that after the last hearing they redesigned the plan in response to the comments of the neighbors and Commissioners. She noted that this project is the last development that will take place on this site.

### 2.1 Applicant's Presentation

Peter Zorzi distributed presentation documents and explained the new plan.

- At the last hearing there were concerns about the project's proximity to the property line, impact on vegetation, massing, visibility and the relocation of the road.
- They relocated the building to the back, back-sloping the hill on a 2:1 slope.
- The vegetation on Clover Hill Road was retained.
- They are building 38', instead of 6', from the property line.
- The building would be barely visible from street. The redesigned project was a dramatic improvement. There would be additional costs that appeared justified.
- They no longer need a pump for the septic, and planned on using a slope instead of a retaining wall. The elimination of the retaining wall reduced the cost compared to a previous scheme with the building at the back of the site.
- The windows facing the slope were only serving a corridor.
- They would remove the gable on the corner, the cost savings would be applied to the earthworks.

Doug Hoehn distributed and explained a new topography plan.

- He indicated that there would be a series of infiltrators with gravel along the base of the hill.
- The building was about 40' from the right-of-way and 50' from the pavement.
- A BioClere System would be used to reduce nitrogen loading.
- The trees around the leaching area would be preserved.
- There would be shallow plantings on the leaching area

### 2.2 Staff Reports

Bill Wilcox distributed and explained a staff report on water resource issues.

- The site was in the Lagoon Pond watershed, which was a nitrogen-sensitive pond.

- The figures in the analysis were based on the previous site plan. The project was within the required limits when the proposal was viewed by itself (without the existing Hillside 1 and 2).
- As requested, he had studied this site together with Hillside I, which is part of the same campus, and this resulted in a combined nitrogen loading of more than 20 kg. per acre. To remedy this, they could use the nitrogen loading from dedicated open space such as Brightwood Park or Land Bank property located between the project and the pond. If we use the nitrogen loading rights from 4.4 acres of that open space, the entire project, Hillside 1, 2 and 3 could meet the nitrogen loading limits of the pond. This did not require a formal agreement, since the MVC was the only agency that kept track of this information; this should be checked with the Land Bank.
- Another alternative would be to install a package treatment plant for the whole 59-unit, 6.14-acre site; this would be quite expensive and would require major work to make all the connections.

Doug Sederholm said the map showed very intense development north of the site and asked whether there had been a study of this area. Do they already use the nitrogen loading from the Land Bank and Sheriff's Meadow properties? Bill Wilcox replied that the pond is at or very close to, the nitrogen-loading limit. The existing houses have been taken into consideration in calculating the present day and projected nitrogen loading.

John Best noted that the area is zoned at 10,000 sq. ft. per lot and asked what could 10,000 sq. ft. support. The area is already maxed out, probably with 3-bedroom houses. Bill Wilcox said that the loading limit for the pond is 13.25 kg. per acre, or 3.3 kg. per 10,000 sq. ft. or 2.4 kg. per bedroom per lot. Doug Hoehn said this is now a DCPC with strict regulations.

Tristan Israel asked what could have been allowed if the whole site had been developed under zoning. Bill Wilcox said that 6 acres would accommodate 30 bedrooms. The current project meets the nitrogen loading requirements.

Tristan Israel asked how far the roof was from the back of the hill. Doug Hoehn said they would backslope the hill to a 2:1 slope and that it was 5' from the building. There would be a trench drain for leaching and piping in that vicinity to take excess water into a leaching pit.

David Wessling distributed and explained his traffic report.

- A comment from Ken Barwick, who spoke at the last Public Hearing, was that a further subdivision could overburden a road. Tristan Israel was concerned about the cumulative effect on the intersection of Clover Hill Road and Edgartown/Vineyard Haven Road.
- David Wessling explained that an analysis of the intersection based on previous traffic counts, with adjustments for the change since the counts were taken and for seasonality, showed that the level of service would continue to be Level C, or in the normal range. The new construction would add a delay time of about one second (going from 27 to 28 seconds) based on four peak-hour trips, which is probably more than what would actually be generated.

Marie Laursen noted that a traffic study from November 1997 showed that 60% of the traffic on Clover Hill Road turned in or out of Hillside Village.

Tristan Israel asked whether, at some time in the future, David Wessling could go over the traffic charts and asked what was meant about a peak hour factor. David Wessling explained that the peak hour factor referred to the variability of traffic flows during each of the peak hour's 15-minute segments.

Jennifer Rand identified letters that had been received.

- There was a letter from the attorneys of Island Elderly confirming that Island Elderly Housing has deeded rights to use Clover Hill Road.
- Three letters of support had been received from the President and Secretary of the Association of Hillside Village, Elaine Christianson of Hillside Village I and Suzanne Walker of Woodside.
- Letters received from governmental bodies were; CDC of Martha's Vineyard, Senator Kenny, Representative Delahunt, Executive Office of Elder Affairs, CEDAC, Dukes County Regional Housing, The Tribe, The Office of the Selectmen, The Oak Bluffs' Council on Aging, The Housing Assistance Corp., Elder Services of Cape Cod, multiple offices and community services.

Tristan Israel said he would like to see the letters of support. Jennifer Rand said that policy is to distribute copies only when 25 copies are submitted; otherwise she simply summarized the key points.

### 2.3 Commissioners' Questions

Bob Schwartz asked whether it might be possible to slope the walkway, allowing the building to be raised by 2 to 4 feet, lessening the impact on the roots of remaining trees. He asked whether there be a low retaining wall that would allow retaining the grade and starting the grading further up in order to save more tree roots. Peter Zorzi said that the grade was at the maximum height possible without having to install handicap ramps, and the entire slope would be replanted.

Linda Sibley asked whether it would be possible to move the building away from the property line and towards the parking lot. Peter Zorzi thought it would be possible. Doug Hoehn said that he would have to check the septage and drainage plans to see if they could be moved.

Bob Schwartz asked whether the building could be rotated slightly.

Christina Brown requested a second site visit to see what the changed slopes would be at different rotations.

John Best asked whether a slope of 2:1 is too great. Doug Hoehn said that a slope of 2.1 was normal for cutting, while 3:1 was required for fill. John Best asked that the corner bounds of the property be indicated for the site visit.

Paul Strauss asked the applicant to clarify the plantings on the slope.

### 2.4 Public Testimony in Favor of the Project

Margaret Chesnard of Woodside said that there was a great need for elderly housing.

John Early, who sits on the Board of Island Elderly Housing, stated that the regional impact of the development is more positive than negative. The social impact of the project was significant and that the benefits outweighed the negatives of the project.

Ellen Gaskill, Woodside Village Site Manager and with Island Elderly Housing, said she was amazed at how much need there was for elderly housing. The social impact of this project was really powerful, and they receive a lot of referrals from Windemere, Social Services, Community Services and the Tribe.

Courtney Rydman, Hillside Village Site Manager, said that they have made improvements, and the need for housing is so great that the benefits greatly outweigh any negatives. There are 15 people on the waiting list.

Marguerite Bergstrom, associated with Island Elderly Housing, thought it was very interesting to see what was going on and had a strange feeling that "not in my backyard syndrome" had occurred. Therefore, she was going to have two units built in her backyard.

Joan Porter, a Hillside tenant, said that not everyone can afford a house to live in and Island Elderly Housing gives them a comfortable, affordable place to live.

Barbara Lewis, of Hillside Village I, said that for ten years, she had to move twice a year. The island is overrun. The elderly people need a place to live. She was fortunate to move into Hillside in 1994 and has been well housed since then.

#### 2.5 Public Testimony Opposed to the Project

Idalyn Macchia, a direct abutter located on Clover Hill Drive behind the hill, will be building a house on Lot 18.1. She stated that beyond the next house, there were three more empty lots, as well as other lots, that could be subdivided, to say nothing of guesthouses. She wanted to know who would be the watchdog for the cutting of trees.

Lorraine Wells asked what the vegetation would be at the back of the site, that it appeared that the grading went back to the property line.

Fella Cecilio, of Clover Hill Drive, said this project was one of regional impact and they are trying to shift things around to make them fit. Why doesn't IEH build in Chilmark, West Tisbury or approach the Land Bank and ask them to donate five acres of land for a good cause? Is there land behind Woodside? They had said they would put caps on the lights but have not. When the access to Clover Hill Road was given, it was for one building

Lorraine Wells has schoolchildren and stated that the peak traffic time is morning and evening, not at noon. Currently she was unable to get out onto Edgartown/Vineyard Haven Road.

Susan Button asked whether the nitrogen levels had been taken into consideration for the future development of six potential houses on Clover Hill Drive. Bill Wilcox said that it was possible that not all houses that might result from further subdivision of the lots were considered.

Christina Brown stated that the hearing would be continued as there were many plan changes to consider and comment on, and suggested another site visit where the details of the slope and location could be seen on Monday, April 28, 2003, at 5:30 p.m. The public was also invited.

At 9:06 p.m., Christina Brown closed this session of the Public Hearing and continued it until May 1, 2003 at 8:00 p.m.

Jim Athearn declared a recess to the Meeting at 9:15 p.m. and resumed the Meeting at 9:25 p.m.

### 3. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

*Commissioners Present: J. Athearn, J. Best, C. Brown, L. DeWitt, J. Greene, T. Israel, D. Moore, K. Newman, M. Ottens-Sargent, R. Schwartz, A. Schweikert, D. Sederholm, L. Sibley, P. Strauss, R. Toole.*

*Jane Greene moved and it was duly seconded to adopt the March 13, 2003 minutes as amended.*

The following amendments were proposed:

- Page 2, bullet 6, they said there were three
- Next bullet, with respect to health effects, he enclosed a report
- Next one – remove question mark after February 19.
- Next bullet, should say "has submitted".
- Page 3 Jennifer Rand's report, West Tisbury.
- Second to last line, "10 feet taller".
- Page 4, under Warren Meade's testimony, "got a permit for the shed and installed a 40' pole".

*Voice Vote. In Favor: 11. Opposed: 0. Abstentions: 4. The motion carried.*

*Tristan Israel moved and it was duly seconded to adopt the March 20, 2003 minutes as amended.*

The following amendments were proposed:

- Page 3 line 8, remove R
- Page 9, the name is Walter Shevley

*Voice Vote. In Favor: 11. Opposed: 0. Abstentions: 4. The motion carried*

### 4. ISLANDER BUILDING (DRI No. 444-2) - WRITTEN DECISION

*Commissioners Present: C. Brown, J. Greene, T. Israel, D. Moore, K. Newman, M. Ottens-Sargent, A. Schweikert, D. Sederholm, L. Sibley, R. Toole.*

*Jane Greene moved and it was duly seconded that the decision be approved as written. Roll call vote. In Favor: C. Brown, J. Greene, T. Israel, D. Moore, K. Newman, A. Schweikert, D. Sederholm, L. Sibley, R. Toole. Opposed: None. Abstention: M. Ottens-Sargent. The motion carried.*

### 5. UPCOMING LUPC MEETINGS AND SITE VISITS

Christina Brown stated that the Island Elderly Housing site visit in Vineyard Haven was scheduled for April 28, 2003, at 5:30 p.m.. The Commissioners would then return to the Olde Stone Building at 6:30 p.m. for the LUPC Meeting, for the Pre-Public Hearing Review of B.A.D.D. Co. (DRI No. 551).

## 6. OTHER ISSUES

*Commissioners Present: C. Brown, J. Greene, T. Israel, D. Moore, K. Newman, M. Ottens-Sargent, Schweikert, D. Sederholm, L.Sibley, R. Toole.*

### 6.1 Cape and Islands Transit Coordinating Council Representative

Jim Athearn reported that the Joint Transportation Committee and the All-Island Selectmen have named the Martha's Vineyard Commission and the Vineyard Transit Authority as the two entities to represent the Vineyard on the Cape and Islands Transit Coordinating Council. The Commission now has to name its representative.

*Linda Sibley moved and it was duly seconded that Mark London be the MVC's representative on the Cape and Islands Transit Coordinating Council. Voice Vote. In Favor: 15. Opposed: 0. Abstentions: 0. The motion carried.*

### 6.2 Looking at the Commission

*Commissioners Present: C. Brown, J. Greene, T. Israel, D. Moore, K. Newman, M. Ottens-Sargent, Schweikert, D. Sederholm, L.Sibley, R. Toole.*

Mark London suggested working on the "S" items. Jim Athearn clarified the proceedings in that when an item was adopted, it would be passed over and considered approved. Illumination or discussion would be done if needed.

Section R1.2. Christina Brown pointed out that LUPC has already been trying out new methods such as more give and take with applicants with LUPC so that Commission concerns are heard early, and the Town Board individuals, neighbors, applicants are able to participate in a give and take situation. This item was adopted.

Section R 1.6: 1<sup>st</sup> Bullet: Changed to M (medium term). 3<sup>rd</sup> Bullet: Linda Sibley suggested that the MVC invite the Towns to send a representative of the referring board for each DRI and investigate what other boards would be reviewing the DRI; staff could then make an effort to contact these boards. Jane Greene suggested that the second sentence be in brackets. Christina Brown suggested the second sentence read: "This person would work with the Commission to keep other boards informed and would deal with the project". Tristan Israel suggested replacing the word designate with the word *appoint*. This item was adopted as amended.

The following items were adopted as short-term actions with no modifications, unless otherwise indicated:

- Section R1.8: 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, and 7<sup>th</sup> Bullets.
- Section 2.2: 1<sup>st</sup> Bullet: Changed to M(medium term).
- Section R 3.1: 3<sup>rd</sup> Bullet.
- Section R 4.1: 1<sup>st</sup> and 2<sup>nd</sup> Bullets
- Section R4.2: 2<sup>nd</sup> Bullet. Approved and refers to newsletters and press releases.
- Section R4.3: 1<sup>st</sup> Bullet. - Delete Zoning Boards of Appeal and insert Planning Facilitator. The MVC could add a broader forum in longer term on general planning issues, with other non-profit and government entities, eg with water department etc.
- Section R 4.4: 1<sup>st</sup> Bullet
- Section R5.1: 2<sup>nd</sup>, 4<sup>th</sup> and 10<sup>th</sup> Bullets
- Section R5.2: 2<sup>nd</sup> Bullet
- Section R6.1: 2<sup>nd</sup> Bullet

- Section R6.2: 3<sup>rd</sup> Bullet
- Section R7.3: 1<sup>st</sup> and 2<sup>nd</sup> Bullets
- Section R8.1: 1<sup>st</sup> Bullet. Changed to M(medium term)To discuss.
- Section R8.3: 1<sup>st</sup> Bullet.
- Section R9.1: 1<sup>st</sup> Bullet
- Section R10.1: 1<sup>st</sup> and 2<sup>nd</sup> Bullets
- Section R10.2: 1<sup>st</sup> Bullet

The Meeting adjourned at 10:23 p.m.

James A. Attean  
Chairman

July 10, 2003  
Date

Ann P. Keane  
Clerk-Treasurer

7/24/03  
Date