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Minutes of the Commission Meeting Held on January 10, 2013 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

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

P Tripp Barnes (E-Tisbury)	P James Joyce (A-Edgartown)
P John Breckenridge (E-Oak Bluffs)	- W. Karl McLaurin (A-Governor)
P Christina Brown (E-Edgartown)	- Jim Miller (A-Aquinnah)
P Tim Carroll (A-Chilmark)	P- Ned Orleans (A-Tisbury)
P Madeline Fisher (E-Edgartown)	- Camille Rose (E-Aquinnah)
P Josh Goldstein (E-Tisbury)	P Doug Sederholm (E-Chilmark)
P Erik Hammarlund (E-West Tisbury)	P Linda Sibley (E-West Tisbury)
P Fred Hancock (A-Oak Bluffs)	P Brian Smith (A-West Tisbury)
P Leonard Jason (A-County)	

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Planner), Christine Flynn (Economic Development and Affordable Housing Planner)

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

1. CHAIRMAN INTRODUCTION

Commissioners Present: J. Breckenridge, C. Brown, T. Carroll, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

Fred Hancock, Chairman welcomed the new Commissioners. He noted that the next meeting will be on January 24, 2013 and it will be held at 6:00 p.m. in order to have a presentation by the Commission's attorneys on a number of issues. It will be a tutorial for the new MVC members and a refresher for the returning Commissioners.

Fred Hancock discussed the Compliance Committee:

- Traditionally in the past years the MVC Vice Chairman has been the Chairman of the committee, so Erik Hammarlund will now chair the committee.
- The following Commissioners have been appointed to the Committee: Linda Sibley, Brian Smith, Doug Sederholm, and James Joyce.
- The Committee meets approximately once per month.
- The meetings are open to all Commissioners.

Fred Hancock asked the Commissioners to please call or email Donna Stewart if they are unable to attend a Commission meeting as a courtesy as well as determining that there will be a quorum.

2. CHADWICK INN CONVERSION – EDGARTOWN (DRI-287-M) MODIFICATION REVIEW

Commissioners Present: J. Breckenridge, C. Brown, T. Carroll, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, N. Orleans, L. Sibley, B. Smith.

For the Applicant: Chris Price

Doug Sederholm recused himself from the meeting.

2.1 Staff Report

Paul Foley presented the following:

- The project location is 67 Winter Street, Edgartown.
- The proposal is to convert a 23 bedroom inn into a 32 bedroom dormitory for downtown employees.
- The Chadwick Inn was reviewed as a DRI in 1988 for renovation and expansion of an historic structure. The expansion was approved with 21 bedrooms plus the two bedroom owner's quarters, a lap pool for the owners only and nine parking spaces. The lap pool was never built.
- The new rooms would be carved out of existing space that is currently a commercial kitchen, dining area, library and reception areas. They do not plan to expand the footprint. They plan to improve the exterior appearance of the building.
- The occupants will be employees of the Atlantic Bar and Restaurant, the Field Club and possibly the Harbor View Hotel. There would be a lease for occupancy.
- The Applicant has been to the Historic Commission and has received approval. They will also need a building permit.
- Key Issues include;
 - Parking: With potentially two employees per room and 32 rooms, how would they handle parking needs for 64 people?
 - Noise: How will the tenants be monitored for noise? Will there be an on-site caretaker.
 - Future Use: The number of rooms is being increased. What are the potential future uses of the rooms? Could it convert to an inn or could it be condominiums?
- The site plans and elevations were reviewed.
- The packet of information includes the site plan, the Applicant's narrative and the Land Use Planning Committee (LUPC) notes.

2.2 Land Use Planning Committee (LUPC) Report

Brian Smith, LUPC Chairman, said that LUPC had a discussion regarding the parking issue and with the number of occupants more parking may be needed. The Applicant assured the LUPC that many of the tenants will be foreigners and they do not have cars. In addition they are next to the VTA bus line. The LUPC voted unanimously to recommend to the full Commission to approve the modification.

2.3 Applicant's Presentation

Chris Price said the project will help the community by providing housing and the location is adjacent to the bus stop.

Christine Flynn said the project is a benefit to the community as well as being beneficial to the businesses. The Applicant is contracting with the businesses and it is a good economic development.

2.4 Commissioners Discussion

Erik Hammarlund noted that the project is close to the residential district and it is putting up to 64 people into a boarding house. Employee housing is not always as concerned about noise as an inn would be. He asked if Edgartown had any concerns regarding the project. **Leonard Jason** noted that the Harbor View Hotel population is a lot greater as an inn than this project would be.

James Joyce noted that the Harbor View had employee housing and it worked. He asked if the Applicant wanted to expand the building, would that require them to come back to the MVC for approval. **Erik Hammarlund** confirmed that it would.

Erik Hammarlund asked how parking and noise would be enforced. **Chris Price** said that it would be a violation of the lease if it were to be exceeded. The lease is very strict on noise and there will be close circuit monitoring in the building. The lease also stipulates that there are to be weekly inspections so that noise and clean standards are in place. The employers will hold the control over their tenants.

James Joyce noted that two of the buildings are already being used and are up and running. **Chris Price** confirmed and noted that they are asking for a modification for building A.

Linda Sibley moved and it was duly seconded that the change is not significantly substantial to require a public hearing. Voice vote. In favor: 11. Opposed : 1. Abstentions: 0. The motion passed.

Linda Sibley moved and it was duly seconded that the requested change the inn into a 32-unit dormitory for workers housing be approved with the owners enforcing parking and noise standards, and that any other change including reverting back to an inn shall come back to the MVC. Roll call vote. In favor: J. Breckenridge, T. Carroll, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, N. Orleans, L. Sibley, B. Smith. Opposed: none. Abstentions: C. Brown. The motion passed.

Doug Sederholm rejoined the meeting.

3. SILVA PLUM BUSH AFFORDABLE HOUSING LOT – WEST TISBURY – (DRI-124-M3) MODIFICATION REVIEW

*Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, T. Carroll, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, N. Orleans, D. Sederholm, L. Sibley, B. Smith.
For the Applicant: Timothy Silva (Owner), Reid Silva (Agent –VLS)*

3.1 Staff Report

Paul Foley presented the following:

- The project location is Plum Bush Point Road, West Tisbury.

- The proposal is to subdivide one 4.1 acre lot into a 3.1 acre lot and a 1 acre homesite lot.
- The Plum Bush Point subdivision came to the MVC for DRI Review in 1980 and was approved for the division of 211 acres into 14 buildable lots and one large conservation piece (52.1 acres). 12 of the 14 buildable lots were approximately 4 to 5 acres in size. The subdivision also included one large farm lot (Lot 14) of 76.54 acres and one other large lot of 25 acres (Lot 13).
- In 1984 the property went back to the West Tisbury Planning Board and created two more lots out of the two large lots.
- In 1987 the property went back to the West Tisbury Planning Board and moved the lines between two of those lots created in 1984.
- In 1992 the property came back to the MVC as DRI 388 and created four lots out of one of the lots created in 1987 and divided one of the lots created in 1984. The current proposal is to divide one of these lots created in 1992.
- West Tisbury Zoning allows lots of four acres or more to carve off a one acre lot for affordable housing. The existing 4.1 acre lot would be allowed to have an 800 square foot guesthouse because it was created before May 24, 2000.
- In 1995 the property came back to the MVC to remove an easement to the water. Four lots each had access to the water but were bought by the same family (Goodman) and they did not want an easement crossing all of the lots. Also at this time, though not shown in the plans in the file, as described in the Staff Report, two additional three acres lots (Lots 6.18 and 6.19) were created.
- The current proposal is to carve a one acre homesite out of one of the 1992 lots.
- Key issues include:
 - The proposed homesite is in a nitrogen sensitive watershed (Tisbury Great Pond).
- This is in a compromised watershed so the Water Quality Policy allow for basic development of the property of seven bedrooms in both houses with a typical denitrification system (say 5 in the main house and 2 in the affordable house), setting the limit at 7.70 kg/yr. Various options under or close to the limit would be the following.
 - Six bedrooms in the main house with de-nitrification (6.60 kg/yr) and two bedrooms in the affordable house on a composting toilet (.044 kg): 7.04 kg/yr.
 - Four bedrooms in the main house without de-nitrification (7.60 kg/yr) and two bedrooms in the affordable house on a composting toilet (0.44 kg), slightly over the limit: 8.04 kg/yr.
 - Two bedrooms in the main house without de-nitrification (4.4 kg) and one bedroom in the affordable house also without de-nitrification (2.2kg): 6.60 kg/yr.
 - With the 50 % affordable housing consideration, two bedrooms in the main house without de-nitrification (4.4kg) and two bedrooms in the affordable house also without de-nitrification (3.3kg): 7.70 kg/yr.

Doug Sederholm asked if the conservation land is still there and whether it is permanently restricted. **Paul Foley** confirmed that it is, 52 acres. Lot 6.17 is chapter 61A and is still farmed and it can be developed. Lot 6.15 is mostly wooded and lot 6.14 is the 52 conservation acres. The large lots are largely wooded and field.

Doug Sederholm asked if any of the nitrogen calculations provide credit for the conservation land. **Paul Foley** said they do not.

Fred Hancock and **John Breckenridge** asked what the nitrogen load would be. **Paul Foley** said 7.70 kg/yr.

Mark London noted that the history that Paul Foley gave was based on the incremental development of the property. The Commission might have asked and it might have triggered affordable housing if the entire proposal was seen as the original proposal. It could be argued that providing an affordable housing lot now brings the entire project into conformity with respect to this issue.

Tripp Barnes joined the meeting.

3.2 Land Use Planning Committee (LUPC) Report

Brian Smith, LUPC Chairman, presented the following:

- The main topic of conversation was the nitrogen loading.
- There is currently a potential of 17 bedrooms to be on the property.
- LUPC decided not to make a recommendation since there is not a firm proposal from the Applicant regarding the number of bedrooms and LUPC did not have all of the information needed.

3.3 Applicants' Presentation

Reid Silva presented the following:

- The summary that Paul Foley presented states the nitrogen numbers.
- This is not a typical project as it is unusual that a saleable building lot would come to the Commission for affordable housing.
- They have not nailed down a proposal to LUPC because they were trying to figure out what the MVC would require and need for nitrogen loading.
- Presently, seventeen bedrooms are possible though unlikely, but it might end as with eight to ten bedrooms. It is a use that is not under the MVC control and the only restriction is town zoning and a Title 5 system.
- Part of this process gives the MVC an opportunity to hammer down what is reasonable. They are trying to stay away from de-nitrification due to the upfront costs and the maintenance cost component.
- Their proposal is a three bedroom affordable house and a four bedroom house on the main lot without de-nitrification but the future option to expand the main house to a six bedroom house by installing de-nitrification.
- This would result in 12.3 kg/yr.

3.4 Commissioners' Discussion

Doug Sederholm noted that he has previously represented Susan Bellincampi's "significant other." He also noted that a Title 5 system is irrelevant because the concern is the nitrogen impact on the pond. The MVC policies on affordable housing and on protecting the ponds from impairment from nitrogen. They are the crown jewels of this Island. The protection of the ponds is a paramount value to be addressed. The Commission is addressing a development that was previously approved but has current issues now regarding nitrogen not previously addressed at

the time of that approval. If the MVC approves this project it is promoting affordable housing. If not approved there could be the potential for a lot of nitrogen affecting the ponds and suggests consideration of composting toilets and a drip irrigation system to reduce nitrogen load.

Mark London suggested that there appear to be two options, a strict adherence to the MVC Water Quality Policy or an exception. If an exception is made, he suggested that the Commission ensure that it is clearly well defined. He noted that the MVC Water Quality Policy will be revised soon and the basis for this exception could be added to the policy.

James Joyce said it is reasonable to accept the proposal, which would protect the water quality to a certain degree.

Brian Smith said that this proposal reduces the nitrogen load by 48% and also provides affordable housing.

Linda Sibley noted that if the Applicant is required to denitrify, it could be financially onerous. The MVC can't stop the construction of the house, so she is in favor of the proposal.

John Breckenridge noted that the MVC Water Quality Policy has a component built into it to allow for affordability. He agrees with Doug Sederholm that there are ways to reduce the nitrogen and be friendly to our ponds. Reid Silva has given the MVC a proposal that is a first offer but he feels that the Commission has a strong responsibility to protect the ponds. Is there any way to change to two bedrooms or have composting toilets?

Susan Bellincampi said if it is affordable to have composting toilets it would be considered. Ideally she would like to have three bedrooms and it would be okay with her not to have a lawn that would need fertilization. She does not feel comfortable suggesting what Tim Reid can do with his property but is willing to address what is affordable for her home.

Christina Brown said this is unusual because the subdivision was approved before the MVC had the nitrogen guidelines in place. She thinks it is a terrific project and does not think it is reasonable to say one or the other lots has to cut down on the nitrogen. Seven total bedrooms seem reasonable.

Erik Hammarlund felt that seven bedrooms are reasonable and perhaps a landscaping plan avoiding fertilizer would also help. However, the MVC needs to be careful on how this is approved as this is a very unique exception, and not just because it is affordable housing, but our ponds require permanent protection. This project has fewer bedrooms than the potential seventeen bedrooms.

Doug Sederholm has no problem with the 3.1 acre lot proposal, however, it is not a proper stewardship to say you can put a three bedroom house on a one acre lot so close to a Great Pond. He does not think that a de-nitrifying system with monitoring is necessary, but even though composting toilets are a little pricey, they are nowhere near the cost of a de-nitrification system. It is not unreasonable to ask for it as well as a drip irrigation system. It addresses the nitrogen issue in a reasonable way. It is also important to recognize that there could be a lot more nitrogen if another development occurred other than the proposal.

Leonard Jason said that it should be noted that this project is part of an overall subdivision that included the family giving 51 acres to conservation, an example of good stewardship.

Linda Sibley moved and it was duly seconded that the modification is not significantly substantial to require a public hearing. Voice vote. In favor: 12. Opposed: 0. Abstentions: 2. The motion passed.

Doug Sederholm clarified the proposal: a 1-acre lot with a three bedroom house without de-nitrification and on the 3.1-acre lot a four bedroom house without de-nitrification and if it were to be a six bedroom house it would be with de-nitrification.

Erik Hammarlund moved and it was duly seconded that, as a result of the very unique nature of this project, the Commission approve the proposal to subdivide a 1-acre lot to be used for a house with a maximum of three bedrooms, leaving a remainder 3.1-acre lot for a house with a maximum of four bedrooms without denitrification, or six bedrooms with nitrification.

- **John Breckenridge** suggested that there be a clear statement of the special circumstances that led the Commission to approve this project even though it somewhat surpasses the nitrogen loading in the Water Quality Policy, making clear that this does not set a precedent. This includes that it is carving a small single-family lot from an existing single-family lot to be used exclusively for permanently restricted affordable housing.
- **Christina Brown** noted that the community and many of the Commissioners are grateful to the family for how they have handled this land and that there will also be affordable housing.

Roll call vote. In favor: T. Barnes, J. Breckenridge, C. Brown, T. Carroll, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, N. Orleans, D. Sederholm, L. Sibley, B. Smith. Opposed: none. Abstentions: none. The motion passed.

There was a discussion of the possibility of adding the criteria for this decision into the Water Quality Policy.

- **Mark London** suggested that the criteria of why this proposal is okay be added to the MVC Water Quality Policy, so that we have a clear framework for moving forward.
- **Leonard Jason** said that the Commission has a simple process in place to review merits of a project: compare the benefits and detriments.
- **Ned Orleans** said that he understands the idea that Mark London is putting forward, but noted that it often happens that policies are in conflict with each other.
- **Doug Sederholm** said that the decision is not setting a precedent.

4. 10 STATE ROAD/GRILLO BUILDING – TISBURY (DRI-622) WRITTEN DECISION

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, T. Carroll, M. Fisher, J. Goldstein, F. Hancock, L. Jason, J. Joyce, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

Erik Hammarlund recused himself from the meeting.

Fred Hancock, Chairman suggested that the decision be reviewed page by page. He noted for the new members of the Commission that when reviewing a written decision the MVC tries to make them very specific and eliminate any ambiguity. It is also to make it definitive for a town officer to be able to enforce the decision.

Bill Veno also noted that the decision is not final until the written decision is voted on by the MVC and it is then filed.

There was a discussion regarding revisions to the written decision:

- **Paul Foley** said that the plans will be added to line 66.
- **Brian Smith** noted that the MVC needs to specifically state what the energy efficient guidelines are on line 311, 8.6 Building Specifications.
- **Fred Hancock** noted that on 6.1 Condominium Association Documents, it should be noted that it is the condominium documents that are to be provided on line 293.
- **Doug Sederholm** and **John Breckenridge** noted that line 330 needs to be filed in with sections 2.1, 6.1 and 7.1.

Linda Sibley moved and it was duly seconded to approve the written decision with the amended changes as clarified. Roll call vote. In favor: J. Breckenridge, C Brown, F. Hancock, L. Jason, J. Joyce, D. Sederholm, L. Sibley, B. Smith. Opposed: none. Abstentions: none. The motion passed.

5. NEW BUSINESS

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, T. Carroll, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

Erik Hammarlund rejoined the meeting.

5.1 Reports from Chairman, Committees or Staff

Compliance Committee

Erik Hammarlund noted that the next meeting is January 22, 2013.

Land Use Planning Committee

Paul Foley said that the Barnes Evelyn Way proposal is on the agenda for the next meeting. The proposal is to add a warehouse building for storage. There was a brief LUPC meeting in December which waived the traffic study and the public hearing is scheduled for early February 2013.

5.2 Various

Erik Hammarlund asked about the possibility of reviewing and revising the bylaws. **Fred Hancock** suggested doing this at a later date.

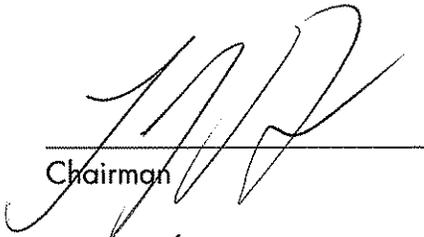
Mark London asked if anyone has any questions for the attorneys to cover at the next MVC meeting, to please send it to him.

The meeting was adjourned at 8:25 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Martha's Vineyard Commission, DRI # 287-M Chadwick Inn Conversion, MVC Staff Report – 2013-01-10

- Martha's Vineyard Commission, Land Use Planning Committee Notes of Meeting January 7, 2013
- Correspondence from Chris Price, Applicant Narrative for Chadwick Inn Modification
- Chadwick Inn Proposed First Floor, Floor Plan Dated November 30, 2012
- Chadwick Inn Site Plan Dated November 30, 2012
- Martha's Vineyard Commission, DRI # 124-M Plum Bush Point Homesite Lot MVC Staff Report- 2013-01-10
- Martha's Vineyard Commission Land Use Planning Committee Notes January 7, 2013
- Decision of the Martha's Vineyard Commission, DRI-622 – Grillo/10 State Rd New Building



 Chairman

1-24-13

 Date



 Clerk-Treasurer

1-24-13

 Date