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Minutes of the Commission Meeting Held on July 14, 2005

In the Stone Building
33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

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

P James Athearn (E – Edgartown)	P Ned Orleans (A – Tisbury)
P John Best (E – Tisbury)	P Megan Ottens-Sargent (E – Aquinnah)
P John Breckenridge (A – Oak Bluffs)	P Deborah Pigeon (E – Oak Bluffs)
P Christina Brown (E – Edgartown)	P Jim Powell (A – West Tisbury)
P Carlene Condon (A – Edgartown)	P Doug Sederholm (E – Chilmark)
P Mimi Davisson (E – Oak Bluffs)	P Linda Sibley (E – West Tisbury)
P Martin Crane (A – Governor Appointee)	P Paul Strauss (County Comm. Rep.)
P Chris Murphy (A – Chilmark)	- Andrew Woodruff (E – West Tisbury)
P Katherine Newman (A – Aquinnah)	

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Coordinator), Jo-Ann Taylor (Coastal Planner/DCPC Coordinator), Christine Flynn (Affordable Housing and Economic Planner), Srinivas Sattoor (Transportation Planner)

1. COZY HEARTH COMMUNITY CORPORATION: DRI NO. 584 – PUBLIC HEARING (CONTINUED)

For the Applicant: Bill Bennett, President of Cozy Hearth

Deborah Pigeon recused herself from the public hearing and left the room.

Christina Brown re-opened the public hearing on the proposal to subdivide 10.4 acres into eleven 1-acre lots in a 3-acre zoning district on Watcha Path in Edgartown.

Christina Brown discussed the issue of the review of the project in light of the Applicant's status.

- She noted that the Commission had received a letter from residents of Watcha Path questioning the legitimacy of the application because Cozy Hearth Corporation does not have Federal 501 (c) (3) status.
- She noted that Cozy Hearth has stated that they qualify as a non-profit corporation under MGL 180, that they have submitted their articles of organization under State law, and that they are therefore an eligible applicant for a Comprehensive Permit.
- She noted that the MVC's role is to review the proposed development under the Commission's enabling legislation, Chapter 831. Other entities are responsible for

ensuring the qualifications of the Applicant for a Comprehensive Permit under Executive Order 40b.

1.1 Applicant's Presentation

Bill Bennett, president of Cozy Hearth, explained changes made to the proposal based on issues raised by LUPC, the Commission, and neighbors.

- Water
 - Cozy Hearth is now proposing that the 8 lots to be used by members will have Clivis composting toilets. They require regular maintenance. These are used in the Wampanoag Tribal Headquarters in Aquinnah.
 - The 3 lottery lots will have Title 5 systems.
 - This combination comes very close to the Commission's guidelines for nitrogen loading limit for Oyster Pond.
- Traffic
 - In response to concerns about the intersection with Edgartown – West Tisbury Road, Cozy Hearth is offering to put \$5,000 into escrow to help fund a solution in cooperation with the road associations, once the development takes place.
- Habitat:
 - A comprehensive study was done of wildlife on the site. In response to concerns raised by the consultant to the Natural Heritage and Endangered Species Program, Cozy Hearth has redesigned the development to avoid critical habitat.
 - 50% of the property was designated 'no-cut' so it was possible to reconfigure the plan.
 - Lots 4 and 5 are affected as are driveways and septic.
 - Before the final siting is done, Cozy Hearth will reassess to avoid critical habitat.

1.2 Staff Report

Paul Foley described the update to the staff report and reviewed the contents of Commissioners' packets.

- With respect to habitat, the consultant to the Natural Heritage and Endangered Species Program has submitted a rare and endangered species habitat assessment showing where potential habitat is. The person at NHESP who must review this assessment is on vacation.
- The Commission has received more correspondence.
 - The Edgartown Resident Homesite Committee states it is satisfied with the offer of 3 perpetually restricted lots and 6 additional lots.
 - The Edgartown Planning Board unanimously supports the proposal.
 - Richard Moon opposes the proposal.
 - Art Nelson supports, citing the uniqueness of this particular 40B application.
 - Christopher Downing sent a follow-up letter with two additional objections: erosion along Watcha Path Road and the precedent of changing zoning.
 - Six neighbors wrote stating that Cozy Hearth's is not a qualified 501 (c) (3) and therefore is not eligible to apply for comprehensive permitting.

Affordable Housing

Christine Flynn reported on the affordable housing aspect of the application.

- The Applicant has filed an application under the Comprehensive Permit law and has received a Site Eligibility Letter that has been submitted to the MVC. They are applying under the subsidized program of New England Fund, administered by MassHousing.
- Three units will be deed restricted at 80% or less of Area Median Income (AMI) and will be lotteried through the Edgartown Resident Homesite Committee.
- The 8 remaining lots will go to members of the Cozy Hearth group whose current incomes are:
 - 1 at 50-80% AMI
 - 1 at 80% AMI
 - 1 at 100-120% AMI
 - 3 at 140% AMI
 - 2 above 140% AMI
- The Applicant proposes the following resale restrictions:
 - The 3 houses built for the Edgartown lottery will be deed restricted.
 - For 5 lots, resale will be restricted for 30 years: 1 @ 140% AMI and 4 @ 150% AMI.
 - For the other 3 lots: resale will be unrestricted.
- Staff is reviewing Cozy Hearth's financial pro forma.

Doug Sederholm asked whether the three 40B houses at 80% AMI will be deed restricted for only 30 years. **Christine Flynn** and **Christina Brown** clarified that the Applicant will place permanent deed restrictions on the three lottery houses limiting sale to households earning 80% or less AMI.

Doug Sederholm asked whether the 30-year restriction on the 5 lots at 140% and 150% AMI would be renewed for 20 more years. **Marcia Cini** said that language could be added to allow the deed restriction to be voluntarily extended for an additional 20 years. The state legislature has authorized localities to allow for a permanent deed restriction to be placed on the properties of housing recipients earning up to 150% AMI in Dukes County, but none of the Island towns have adopted the by-law to permit this restriction.

Linda Sibley asked whether the restriction is placed on the price of the land and the building together. **Bill Bennett** confirmed that it is.

Doug Sederholm asked what the current AMI is in Dukes County. **Christine Flynn** said that it was \$67,100 for a family of four.

Christine Flynn handed out the HUD chart for AMI for families of 1 to 5 people. She said that the State uses 80% or less of AMI as the figure for qualifying for affordable housing.

Christina Brown noted that housing geared to those earning up to 150% AMI could also be categorized as affordable housing by Vineyard standards.

Traffic

Srinivas Sattoor outlined information from the traffic study of the project area of Watcha Path, a privately owned unpaved road.

- The applicant's traffic consultant projected 110 new daily trips. This figure corresponds to the trip generation rate of a Commission traffic study done at Island Co-Housing last year.
- Watcha Path currently has 168 trips per day; there is a projected increase of 65% with the proposed development.
- The intersection of Barnes Road and Edgartown – West Tisbury Road is currently at level service F during peak hour summer season. It is not generally recommended that traffic be added to "F" intersections but this restriction is not generally applied on the Vineyard as it would preclude all development in many areas since the community has decided to maintain the current road network; traffic concerns must be weighed against the benefits of the proposal. It is not projected that the level of service will change significantly with the added traffic of the proposed development.
- Safety is the biggest issue with 24 conflicting points along Watcha Path to Edgartown West Tisbury Road. The Applicant has offered to help improve the intersection, perhaps in configuration or sight distances.
- Other suggestions are to promote carpooling, improve signage, and work with the road association.

Christina Brown asked for clarification of the level of service at the Watcha Path intersection. **Srinivas Sattoor** said it is a level of service "B" intersection, which indicates that the length of time to make a left turn from the minor road onto the road with free flowing traffic is 10-15 seconds on average. The intersection of Barnes and Edgartown West Tisbury Road is level of service "F" where the left turn takes 50 seconds or more, on average.

Megan Ottens-Sargent asked about traffic levels on Watcha Path itself. **Srinivas Sattoor** explained that there are currently 15 occupied residences; the addition of 11 occupied residences would increase traffic by 65% on Watcha Path.

James Athearn asked about widening the road. **Srinivas Sattoor** said the best solution would be to create a T-intersection; widening the road near the development might improve meeting traffic.

Paul Hannigan said that the Watcha Path/Jenney Lane Road Association does not own the road. **Ben Hall Jr.** said that in the late 1600s, Watcha Path was laid out as a 2 or 3 rods wide right-of-way at 33 or 51 feet wide. The fee was never reserved to proprietors so technically, abutters own to the middle of the road.

Christina Brown noted that the traveled way is 12 to 14 feet.

The Commission took a 3-minute recess.

Water

Jo-Ann Taylor gave the staff report on wastewater and stormwater. Commissioners were given handouts on nitrogen calculations, a fact sheet on composting toilets, and an e-mail from Matt Poole, Edgartown Board of Health.

- The nitrogen load, with the 8 composting toilets and 3 Title 5 systems, would be 1.6-1.7 kgs per acre.
- The MVC's nitrogen-loading limit is 1.4 kgs per acre. Since this is an interim limit that has a margin of error, the Commission could consider that the project comes within the limit.
- Each house with a composting toilet would need septic tank and leaching field to dispose of greywater.
- The Barnstable County handout is a good explanation of how composting toilets work. Composting doesn't actually remove nitrogen out of the waste, but the nitrogen can be removed from the site by hauling away the liquid.
- Nitrogen is highly concentrated in the liquid "tea", which must be removed from the watershed.
- DEP and the Edgartown Board of Health don't give nitrogen credit for composting toilets because the nitrogen isn't treated and there is no guarantee that it will be removed. DEP allows solids to be buried on site or removed, but solids are not a nitrogen issue.
- MVC staff calculations assume that the "tea" and its nitrogen will be removed from the site.
- This project has the space to meet Title 5 requirements and wouldn't be looking for Title 5 waiver.

Doug Sederholm confirmed that, in order to reach the 1.6 – 1.7 kgs per acre, the Commission would have to condition the project so that the "tea" would not go through the greywater system; it would have to be removed. He asked whether it could go to Edgartown Wastewater Treatment Plant. **Jo-Ann Taylor** responded that Edgartown Wastewater would have to be contacted to find out. There is someone on the Island who takes the "tea" from composting toilets; he may use it as fertilizer in landscaping. If the Commission wants to achieve nitrogen reduction, it would have to condition the project so that nitrogen would not remain in a nitrogen-sensitive watershed.

Doug Sederholm asked what the nitrogen load would be if all 11 units had composting toilets. **Jo-Ann Taylor** responded that if all 11 were year-round, the nitrogen load would be 0.4 to 0.5 kgs per acre based on an average turf area of 1000 sq. feet per house. Adding the three other houses would dramatically reduce the nitrogen load.

Carlene Condon asked whether DEP allows nitrogen credit if liquid is removed from the site and whether, if the properties had Title 5 systems, they would meet the Commission nitrogen standard for Oyster Pond. **Jo-Ann Taylor** responded that DEP does not allow nitrogen credit because the nitrogen is not actually de-nitrified and it has to go somewhere; with Title 5 systems alone, the properties wouldn't meet the Commission standard for Oyster Pond.

Mark London clarified comments from Matt Poole to the effect that he believes that it is desirable that the MVC have a policy consistent with DEP and the Edgartown Board of Health with respect to not accepting composting toilets for nitrogen credits because of the difficulty of monitoring the maintenance of the toilets and removal of “tea” and also because of the difficulty of monitoring whether composting toilets are converted to standard Title 5 toilets. Mark noted that the project meets all Town and DEP regulations and the issue for the Commission is whether it should accept composting toilets for its more restrictive nitrogen-loading limits.

Megan Ottens-Sargent asked whether Edgartown Board of Health has nitrogen standards. **Christina Brown** said they don’t have regulations and she was asked to convey that they are gravely concerned and are working on regulations.

Kathy Newman asked whether eliminating the 1000 feet of lawn would make a difference and the total number of bedroom. **Jo-Ann Taylor** responded that lawn is not a concern if there were 11 composting toilets because the properties would be well under the nitrogen limit. Also, there is not a lot of heavily fertilized turf in the area. The total number of proposed bedrooms is 33.

James Athearn asked how far the groundwater is beneath the site and what its flow route and rate are, and also asked for information about the Transfer Station groundwater. **Jo-Ann Taylor** responded that:

- Groundwater is about 30 feet below the surface.
- Oyster Pond is used for seedstock for other ponds.
- The flow of groundwater from under the development is toward Oyster Pond, flowing at about a foot per day, but perhaps faster at the head of the pond.
- There should not be nitrogen input from the Transfer Station, because the trash is taken off-Island, not buried on-site.
- The Airport Business Park is connected to the Airport sewage treatment plant.

Doug Sederholm asked about frequency and type of maintenance on composting toilets and the cost of removing liquid and solid. He said that unless the waste and particularly the liquid will be removed from the watershed, nothing has been gained.

Paul Strauss said the Commission would have to require a high degree of certainty that liquid would be removed. The Commission would have to require a contract between Clivus and Cozy Hearth. He reminded Commissioners that Matt Poole said long-term enforcement is not a trivial matter. **Jo-Ann Taylor** suggested that the Applicant could present a plan for the Commission’s review.

John Breckenridge asked whether Clivus has a standard maintenance contract. **Bill Bennett** said that there is a standard contract. He doesn’t yet know what the fees are.

Christina Brown asked for confirmation that the 3 lottery houses at 80% AMI would be modular houses of about 1200 square feet in a Cape Cod style as originally planned.

Christine Flynn confirmed that the proposal is the same; the application outlines the size and style of each of the houses.

1.3 Town Boards

Christina Brown gave more detail about two letters received from public officials.

- A letter was received from the Edgartown Residential Homesite Committee stating that the Committee appreciates the offer of 6 additional homes to be deed restricted and remain in the Affordable Housing Program for 30 years.
- A letter was received from the Edgartown Planning Board: stating its unanimous support for the application of Cozy Hearth for a mixed-income housing development of 11 lots. The Planning Board agrees in its letter that the Watcha Path intersection needs work and the Board shares the Commission's concern about the watershed.

1.4 Public Comment

Matt Pelikan asked whether the public would have the opportunity to still submit written testimony. **Christina Brown** responded that the written record would undoubtedly remain open.

Paul Hannigan, Jenney Lane, asked whether the record would be open until the Commission hears from Fisheries and Wildlife about the habitat study. **Christina Brown** confirmed that it would.

Paul Hannigan expressed his concerns about the proposal.

- He was surprised to hear the letter from the Planning Board. He had received a call from Planning Board staff saying that if the Planning Board were to discuss the proposal, neighbors would be informed. They weren't and he wondered about the notification processes.
- With regard to traffic and intersection, it is not a T-intersection. He is disappointed with the cavalier attitude about safety and need for improvements. There is a dire need for improvement. There will be a 65% increase in traffic with this development and possibly a 65% additional increase if 10 additional lots are developed; 55 possible lots could be developed if zoning is overridden.
- Alternatives might make the intersection safer but they will much more expensive than \$5,000. The Commission has to require better recommendations for how traffic should be mitigated. Staff mentioned that the intersection has 24 points of conflict versus the developer's 6 points of conflict. The Commission needs more solutions proposed and followed up on. This is the time for safety to be considered.

Ellie Carbon Parece Watcha Lane, moved to the area a little over a year ago. She moved for the 3-acre and agricultural zoning which allows her and her husband to have a farm. She is concerned about the shift to 1-acre zoning.

Greg Blaine has lived on Watcha Path for over 20 years and spoke in opposition. He is concerned with the shift to 1-acre zoning. 40 to 50 acres at the end of the Path could be developed. There's another 11-acre lot that could be a 40B development.

Robert Green has lived on Watcha Path for 27 plus years.

- He spoke about the Commission's lack of enforcement of conditions for the Transfer Station and he is concerned the Commission can't or won't enforce Cozy Hearth conditions.

- He said only 7 Commissioners went on the site visit; Commissioners need to see the site to vote on it.
- The septic issues seem to be mitigated but he is concerned about maintenance.
- The Applicant is not in compliance with his articles of organization stating the intention to create a 301 (c) (3).

Linda Sibley said the Commission reviews applications under Chapter 831 as a DRI. The Commission has been told repeatedly by its attorneys that the town reviews the Applicant's 40B status, not the Commission.

Karen Hannigan said Cozy Hearth is considering putting money in escrow for road improvements; the road association should be paid yearly for each of the lots. Cozy Hearth purchased 3 electrical tie-ins at \$1500 each. She said if the applicant is so concerned about the road, why did he say he wouldn't pay for the 8 additional tie-ins. She asked how the development will contribute into the road association and how the development fits into the big picture of potential development on the road.

Glen Hearn from West Tisbury spoke in support of the project. He is involved with affordable housing in West Tisbury. He said there are not many lots at 140%. The nice thing about this project is that it is grass roots; Island roots and for Island people in the service industry with 3 lots going into the Edgartown lottery. He urged that the Commission condition the concerns and vote in favor of the project.

Chris Downing, Jenney Lane, said that traffic needs to be looked at; something more concrete needs to be developed. The agricultural issues, particularly the smell of manure, need to be addressed. He also expressed concern about how the road would look if completely developed.

Ellen Kaplan, representing Gunner and Kristin Lamb, addressed a number of issues, particularly traffic.

- She said she counts only 5 restricted lots, not 6 as noted in the letter from the Edgartown Homesite Committee
- It is important to recognize the high accident rate at the Barnes / Edgartown – West Tisbury Road intersection. The traffic study recognizes site deficiencies on Watcha Path.
- Between traffic, environmental, etc; what price are residents paying for three 80% AMI lots and so that people can provide themselves housing? She said the price is too much for what is being given.

Steven Parece, Watcha Path, asked if the names of members of the corporation had been given. He asked why the other five lots shouldn't be restricted in perpetuity.

Paul Harrington, Watcha Path, spoke in opposition to the development, referring to setting precedents that would undermine zoning.

Ben Hall, Jr., said he is the trustee of Cliff Hanger Reality Trust, an abutter and he is not the trustee of land in West Tisbury. He spoke in support of the project.

- This is exactly the kind of project the Vineyard should be approving; what good are Islanders if we can't house our own people.
- He beseeched the Commission not to condition contributions to the road association because it is an informal road association with no right of assessment.

- He said any problems of the road are the responsibility of the abutter. Any owners can improve the road in any way they want.
- Regarding wastewater, as the property stands with 3-acre zoning, the 11 acres can support 33 bedrooms; the applicant is asking for 33.
- One third of the total watershed is undevelopable land. Nitrogen loading figures would be higher if only developable land were calculated.
- Farm animal waste contributes nitrogen to Oyster Pond.
- The Applicant has made tremendous efforts to reduce nitrogen.
- He asked the Commission to approve the project and let the Applicant move on.

Karen Hannigan asked whether the houses with composting toilets would have 3-bedroom Title 5 septic systems.

1.5 Commissioners' Questions

Affordable Housing

Doug Sederholm asked whether on the lot unrestricted for resale, whether the owner could 'flip' the lot for a profit because only the first sale is restricted.

John Breckenridge is flipping the lot for 'profit' consistent with charter?

Mark London wondered, if all the lots were resold at the new resale restrictions, what the increased value would be.

Christina Brown asked about resale restrictions and the details of the formula on resale restrictions.

Jim Athearn asked if a person's income were to rise while in tenancy, what would happen. **Bill Bennett** said that originally tenancy isn't restricted (although the owners do qualify); the resale for the next 30 years is restricted.

Linda Sibley said if there are two lots that are unrestricted for purchase, and three lots that are unrestricted for resale, can those lots be resold for anything anytime? **Bill Bennett** confirmed that that is true.

Mark London noted that 9 of the 11 current members of Cozy Hearth are below 140% of AMI whereas at the time of resale, only 4 of the houses will be below 140% AMI and 7 will be above. In theory everyone could sell and make a profit.

Bill Bennett said that MassHousing has done similar calculations and Cozy Hearth meets the under-20% profit guideline for a 40B.

Christina Brown said Commissioners want to see a bigger chart with restrictions and resale figures.

Letitia Zell said with the cost of building, resale at 140% AMI does not realize much profit once the houses are built.

Christina Brown said that 40B projects as a whole are monitored and restricted to a 20% profit, but the restrictions are not lot-by-lot. This is not inconsistent with Cozy Hearth being a non-profit.

Megan Ottens-Sargent asked whether, after the 30-year restriction, the 20 % profit to the corporation would still obtain. **Bill Bennett** explained that the corporation would exist only until all the land was transferred to the individual owners; then it goes away.

John Best asked about the application of the affordability price guidelines to unbuilt lots. He would like to see a commitment that all 8 lots will have houses on them; if not, what is an affordable lot?

Mimi Davisson asked whether the members of the corporation have a legal covenant to build on the lots within a specific amount of time. She asked whether there is a commitment to not resell unless there is undue hardship. **Bill Bennett** replied that there is no such commitment.

Bill Bennett answered a number of questions.

- The unrestricted lots can make a profit
- They have not calculated the cost of a lot by itself because everyone wants to build.
- The corporation has expenses plus land plus building 3 houses. Each member's price for a lot will be exactly the cost of the development divided by 11; the corporation will not make a profit. The individual owners may realize a profit with restrictions.

John Best asked how the restrictions would apply if someone doesn't build? **Marcia Cini** explained that MassHousing oversees the project and there wouldn't be some sort of "ghost" profit. In the eligibility letter, MassHousing counts the difference between the fair market value and market value. The eligibility letter is in the application. All the applicants are pre-qualified for building loans.

Linda Sibley asked who decides what the price is. **Marcia Cini** said that she has the calculations.

John Best said he has never heard of a 40B land development.

Christina Brown said the Commission has to deal with the long-term affordability of the project.

Marcia Cini said she's doesn't know why the Resident Homesite Committee said there were 6 restricted lots; there are 5.

Marcia Cini said it's currently not legally possible to restrict affordable housing over 80% AMI resales for more than 30 years. An extension may be applied for.

Megan Ottens-Sargent asked how many members are in the corporation. **Marcia Cini** said that there had been 11, but they could not pre-select the owners of the 3 affordable houses so they had to ask 3 families to leave. The Edgartown Homesite Committee will distribute the three affordable houses via lottery for \$150,000 each.

Doug Sederholm said that it appears from the pro forma, that after costs are calculated, each of the shareholders will buy a lot for \$179,500, if there is no grant money.

Marcia Cini explained that if the number of lots is reduced to 10, the configuration of affordability changes and the price per lot goes up to \$203,000.

Christina Brown said a detriment is greater density than zoning would allow; the benefit is affordable housing.

Habitat

Linda Sibley said the habitat concern is about moths. Like Pennywise Path, could non-bug attracting lights be used for exterior lighting?

Traffic

Chris Murphy said that in general he supports what the Applicant has brought in. Traffic is an issue and a plan that really works needs to be developed. The development needs to make provision to make the road safer. **Bill Bennett** said the intention is to set aside money so that that the parties could work together in the future. **Chris Murphy** said that Cozy Hearth should come in with a plan.

Jim Athearn said he has heard people concerned that project will set a precedent to change zoning; he asked the Applicant to respond to the question how they would explain to the Commission why it's fair and appropriate to build on 1-acre lots. **Bill Bennett** explained that there are three levels of safeguards against this setting a precedent: projects have to adhere to the rules of MassHousing; the Commission would have control of future projects and could decide whether they are about housing or about money; and in wouldn't be possible to put together a similar project today, given the escalation of property values.

Linda Sibley said she would like to see documented facts on property ownership where the three roads join. She asked why there isn't a formal road association. **Chris Downing**, the titular head of the road association, said they never made it formal because they didn't need to. **Paul Hannigan** said it's because they operate that way; all of them put money into the pot and take care of problems in front of everyone's property.

John Best asked what's being proposed for public transportation. **Bill Bennett** said they are proposing a bus stop at end of the road.

Paul Foley explained that the MV Refuse District owns the property to the west of Watcha Path. The Sheriff's Meadow Foundation owns the land between Watcha Path and Oyster-Watcha Road.

Paul Harrington said there are three 11-acre lots by the transfer station.

Mark London wondered if it would be possible to identify one solution for the intersection design, estimate the cost, and use this to validate the amount that Cozy Hearth is offering to put into escrow to contribute to the solution. This would ensure that the contribution was in the correct order of magnitude and allow coming up with the actual solution later.

Christina Brown asked whether staff could be of use to develop a possible concrete plan to address intersection.

Robert Green said he has maintained the road for 27 years; he has studied the road and looked at bringing the road straight out. Traffic couldn't be seen coming up the hill on the main road.

Doug Sederholm said that it seems there might be tremendous title issues with the transfer station and Sheriff's Meadow.

Water

Megan Ottens-Sargent would like to hear denitrification numbers again. **Bill Bennett** said denitrification methods reduce each house's output by only 50%, which matches current zoning. The composting toilets would bring the numbers much lower.

Megan Ottens-Sargent asked whether the Board of Health would okay composting toilets and whether Title 5 systems would also be required. **Bill Bennett** explained that there are shared Title 5 systems with smaller leaching field per house; the State and DEP do allow composting toilets, but don't give them nitrogen credits.

Paul Strauss asked for numbers on community nitrogen reduction system from staff and applicant.

Christina Brown concluded that a number of additional issues have come up. She continued the public hearing until August 4, for the primary purpose of receiving written testimony. If she determines that there is not substantive new information requiring further oral testimony, she will close the hearing at that time. Alternatively, she will either reopen the hearing for oral testimony that evening, or continue it to a future date. She summarized some of the key information that the Commission would like to receive.

- The Natural Heritage report.
- Long-term assurance for maintenance of composting toilets; the contract between the supplier and owner; long-term assurance about where the waste will go.
- A plan for fixing the intersection and related costs.
- Clarification of the process of resale to meet affordable guidelines.
- Clarification of how no-cut zones would be managed and maintained.
- Clarification of which lots are restricted.

She also suggested that the Applicant make an offer corresponding to the standard Commission wording about exterior lighting and the use of pesticides in the maintenance of the landscape.

2. OTHER ITEMS

2.1 Meeting Schedule

John Best moved, and it was duly seconded, to move the regular meeting of the Commission from the 3rd week of the month to the 2nd week of August. A voice vote was taken. Approved unanimously. The motion passed.

2.2 Forum

The next forum, "*Paradise Lost? Are We Loving the Vineyard to Death?*" is scheduled for Wednesday, July 20th, at 7:30 p.m. at the Polly Hill Arboretum.

The meeting adjourned at 10:52 p.m.

Linda B. Sibley
Chairman

Sept 22, 2005
Date

W. Means
Clerk-Treasurer

Oct. 20, 2005
Date