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Minutes of the Commission Meeting Held on October 20, 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 Martin Crane (A – Governor Appointee)	P Linda Sibley (E – West Tisbury)
P Mimi Davisson (E – Oak Bluffs)	P Paul Strauss (County Comm. Rep.)
P Chris Murphy (A – Chilmark)	P Andrew Woodruff (E – West Tisbury)
P Katherine Newman (A – Aquinnah)	

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

1. OUR MARKET: DRI 4-M – CONCURRENCE REVIEW

Commissioners Present: J. Athearn, J. Best, J. Breckenridge, C. Brown, C. Condon, M. Crane, M. Davisson, C. Murphy, K. Newman, N. Orleans, M. Ottens-Sargent, D. Pigeon, J. Powell, D. Sederholm, L. Sibley, P. Strauss, A. Woodruff

For the applicant: Our Market

Paul Foley explained that the applicant is proposing a second floor 10 ft. x 6 ft. gable addition for office space, adding 60 square feet on the water side second floor. The DRI designation is from 1977 when Our Market put in a pier and did some dredging.

Linda Sibley clarified that the first issue is whether the change is sufficiently substantive to require a public hearing.

Doug Sederholm moved and it was duly seconded that the proposal is not sufficiently substantive to require a public hearing.

Christina Brown reported that LUPC unanimously recommended that this is not sufficiently substantive to require a public hearing and recommended that it be accepted.

Mimi Davisson asked about the impact on the viewscape. **Mark London** said the gable addition would not be visible from the park but may be visible from the road directly in front of the building.

John Best said if it were a legal addition and there were no view easements that would make it illegal, what about it would be substantive even if it did block a view.

Chris Murphy asked why the Commission is looking at this small addition and not looking at Woodlawn Market where substantial work is being done.

Paul Foley reported that Ken Barwick, Tisbury Building Inspector, has said that from his point of view, the work done at Woodlawn does not indicate a substantive change. The new structure is a gazebo so it is not an addition to the square footage. When they demolish the greenhouse, a DRI review will be triggered. The Board of Health and Selectmen and Planning Board all have looked at the project, but none of those boards have sent the project to the Commission for review. Ken Barwick said when there is a substantive change from his perspective, he will send the project to the Commission for review.

Mark London reported that he understood that the Woodlawn developers said that they made a decision to do the renovations first and the substantive changes second and will come before the Commission with the substantive changes.

Mark London clarified that Our Market will be visible but if the addition were substantial, the public view would be an issue.

Linda Sibley, referring to Woodlawn, said the committee reviewing the DRI checklist is developing language to more clearly state the Commission's expectations. She added that builders/developers who come before the Commission after the project is substantially underway do so at their own risk and may be asked to make changes to work that has already been done.

A voice vote was taken on the motion that the project is not a substantial change. In favor: 17. Opposed: 0. Abstentions: 0. The motion passed.

Doug Sederholm moved and it was it was duly seconded to approve the proposal. A roll call vote was taken. In favor: J. Athearn, J. Best, J. Breckenridge, C. Brown, C. Condon, M. Crane, M. Davisson, C. Murphy, K. Newman, N. Orleans, M. Ottens-Sargent, D. Pigeon, J. Powell, D. Sederholm, L. Sibley, P. Strauss, A. Woodruff Opposed: None. Abstentions: None. The motion passed.

2. EXECUTIVE DIRECTOR'S CONTRACT - DECISION

Commissioners Present: J. Athearn, J. Best, J. Breckenridge, C. Brown, C. Condon, M. Crane, M. Davisson, C. Murphy, K. Newman, N. Orleans, M. Ottens-Sargent, D. Pigeon, J. Powell, D. Sederholm, L. Sibley, P. Strauss, A. Woodruff

Doug Sederholm moved and it was duly seconded to approve the contract with the Executive Director as drafted.

Christina Brown thanked the officers of the Commission and town counsel for developing the contract.

James Athearn said it was very easy because of the confidence the officers have in Mark London. **Doug Sederholm** said the contract reflects the high level of confidence the officers have in Mark London.

A roll call vote was taken. In favor: J. Athearn, J. Best, J. Breckenridge, C. Brown, C. Condon, M. Crane, M. Davisson, C. Murphy, K. Newman, N. Orleans, M. Ottens-Sargent, D. Pigeon, J. Powell, D. Sederholm, L. Sibley, P. Strauss, A. Woodruff Opposed: None. Abstentions: None. The motion passed.

3. COZY HEARTH AFFORDABLE HOUSING: DRI 584 - PUBLIC HEARING (CONT.)

Commissioners present: J. Athearn, J. Best, J. Breckenridge, C. Brown, C. Condon, M. Crane, M. Davisson, C. Murphy, K. Newman, M. Ottens-Sargent, D. Sederholm, L. Sibley, P. Strauss

For the Applicant: Bill Bennett, President, Cozy Hearth Corporation; Marcia Cini, Attorney for Cozy Hearth Corporation

Andrew Woodruff and **Ned Orleans** left the meeting. **Deborah Pigeon** and **Jim Powell** recused themselves and sat with the audience.

Christina Brown thanked everyone for being part of the process and contributing questions and comments.

3a. Staff Report

Paul Foley summarized the proposal to subdivide 3 lots into an affordable housing development of 11 lots. The key issues raised by the application are: the intersection of Watcha Path and Edgartown West Tisbury Road, wastewater, habitat, effect on the neighborhood, and the precedent that could be set to undermine zoning.

- Habitat: The applicant submitted a rare species habitat assessment reviewed by the NHSPB; NHSPB approved a 67 % habitat protection plan contingent on approval of the conservation restriction and management plan. The applicant has submitted an ENF to MEPA for review.
- Wastewater: The applicant has pursued two wastewater options. Option A proposes using a Bio-Clere denitrification system for black water from 4 houses and graywater from all 11 houses. 7 houses would have composting toilets. An issue in wastewater treatment is the Town of Edgartown and DEP don't accept composting toilets for denitrification reduction.
- Transportation: The applicant explored several options but some aren't viable. Creating a curb cut would violate some Commission restrictions. Creating a T would require permission from Sheriff's Meadow, which isn't interested in rerouting the road through Sheriff's Meadow property. The applicant and Commission staff met with representatives from Oyster Watcha and Watcha Path and Sheriff's Meadow and developed a partial solution.

John Breckenridge clarified and **Paul Foley** confirmed that in the Edgartown DCPC, as established by the Commission, a new curb cut could be made with a special permit from the Planning Board.

Paul Foley reviewed the letters received since the previous session of the public hearing.

- **Matt Poole** wrote regarding nitrogen loading and Bio-Clere systems.
- **Elizabeth Campbell** wrote in opposition stating the project is a threat to zoning.
- **Chris Downing** wrote about his concerns with the intersection.
- **Jeff Patterson** wrote in opposition and commented that some of the applicant's responses were vague or unanswered.
- **John Harrington** suggested eliminating the cul de sac at the end which would alleviate traffic at his property line. He wrote a second letter saying he was dissatisfied the applicant's answers, specifically house size and plans, the intersection proposal, and the zoning by-laws.
- The **Kennedys** are not satisfied with the applicant's answers.
- **Karen Hannigan** wrote in opposition, stating that the project is not smart growth and not in the right place. The **Hannigans** wrote to say they were not satisfied with applicant's answers.
- The **Pareces** wrote that the applicant's answers were not satisfying.

Christina Brown said that the public may have heard only a summary of the letters, but they should be assured Commissioners received the letters and will review completely.

Marcia Cini, attorney for Cozy Hearth, apologized for underestimating what the Commission expected from Cozy Hearth last session but they now have the requested information.

- Dukes County Regional Housing Authority will be the oversight agency for affordability.
- The applicant is working with Dick Johnson, director, so that Sheriff's Meadow Foundation will be monitoring the conservation restriction.
- The traffic solution meets with the approval of neighbors and Commission staff.
- Nitrogen loading information is out there and ready for a decision.

Marcia Cini said the application has been in front of the Commission since January and that in the beginning it seemed simple. They may have gotten side-tracked from the planning aspect of the project, but she reassured the Commission that their only goal is to make the Commission comfortable with the proposal.

Bill Bennett updated Commissioners on the project.

Wastewater:

- One problem Cozy Hearth has had in finding a wastewater solution has been that the nitrogen standards the Commission uses are different from those the town uses. Matt Poole and Chris Alley, the engineer, and Commission staff have worked to find a solution.
- Cozy Hearth has proposed composting toilets because they keep nitrogen out of wastewater. Matt Poole, the Edgartown Health Agent, is concerned about the way the composting toilets might be maintained and they will become a problem for him, but he's agreed that a combination of composting and flush toilets may be a solution.
- Cozy Hearth's current proposal is for 7 composting systems and 4 Bio-Clere systems with all the graywater from all the houses going through the Bio-Clere. This is a safeguard against a composting household disposing of the compost down the sink that would erase the nitrogen benefit. Matt Poole said he thought it was a viable solution and the proposal brings the nitrogen loading to 1.5 kgs per acre per year.

Traffic:

- A Commission traffic survey done at the intersection in summer 2005 found peak summer traffic is 22 cars an hour, which is level of service A. Srinivas Sattoor, traffic planner, has said with the additional traffic generated by Cozy Hearth the intersection will keep level of service A.
- The intersection, however, is not safe. Working with Oyster Watcha Road Association, Watcha Path Road Association, and Sheriff's Meadow, Cozy Hearth has developed a plan to improve the site lines between the roads and onto the highway. They will clear brush, increase the site lines, add stop posts, and move the mailboxes out of site lines.
- The proposal also includes reconfiguring the tar apron and creating turn-outs.
- The intersection will be opened up with improved site lines. Chris Alley designed the radius of the intersection so a car could drive around it; a large tree would be left in the middle of the intersection.
- A representative from Oyster Watcha Road has said that even if Cozy Hearth is not approved they would make these changes.

Habitat:

- Cozy Hearth worked with Natural Heritage and developed a plan to put 7 ½ acres under conservation.
- Cozy Hearth is hoping that Sheriff's Meadow Foundation will be overseeing the conservation easements; Edgartown Conservation Commission may be interested if Sheriff's Meadow doesn't want to do the oversight.

Economics:

- Cozy Hearth is about affordable housing. When Cozy Hearth started it had 3 affordable housing lots and 8 market rate lots. They consulted with John Abrams who suggested that the corporation add more resale restrictions and mirror the income demographics of the island, which resulted in 3 market rate lots and 8 lots with resale restrictions.
- One market rate lot was allocated to Bill Bennett because of the work he's done and the collateral for the land is his land in Chilmark. Members of Cozy Hearth invested what they could of the initial \$50,000 but a member subsidized the initial investment with \$100,000; the corporation decided he would get a market rate lot. 2 ½ years into the project, the bank required 2 years of interest on the property; the corporation decided to allocate a market rate lot to the member who was willing to pay the interest.
- Each of the members with market rate lots wants to live on the Island; they are not investors, trying to make a profit.

3b. Public Testimony

Chris Downing, Jenney Lane, clarified that the 22 cars per hour is traffic in and out of the two side roads and is not the count on Edgartown West Tisbury Road. Additionally, the curves on Edgartown West Tisbury Road won't be straightened. He said that moving the mailboxes is a good idea but the area with the tree won't create an actual circle.

Robert Green, Watcha Path, said composting toilets require maintenance and he hasn't heard that there will be an onsite manager who will actually maintain the system.

Jeff Patterson, Watcha Path, said this is the first he's heard about the apron; he's concerned that traffic on Edgartown West Tisbury Road will constantly be pulling over and he doesn't see a benefit.

Paul Hannigan, Jenney Lane, commented on a number of topics.

- He said moving the mailboxes will certainly be an improvement, but the proposed traffic solution needs more time and examination. It could create more problems by opening up the area and doesn't change the horizontal alignment to Edgartown West Tisbury Road.
- The best solution would have been a T but Sheriff's Meadow won't allow it. He said he wouldn't stop pursuing a T solution, perhaps with a new curb cut. He added that with the development there will be 36 vehicles an hour dealing with turning conflicts.
- He appreciated the comments from Ms. Cini; she may be comfortable, but there are many who are not which is indicated in the letters the Commission has received. He firmly believes that many answers weren't given in the 18 pages that were submitted and he needs to be sure that there is a procedure for the resolution of the problems stated in the letters and a process for getting specific answers.
- He would like answers about size of homes, additional structures, and height; if there are restrictions placed on any approval they should be included as covenants and part of any and all deeds.

Karen Hannigan, Jenney Lane, said she is more confused than ever about the size of the buildings; she would like more information about what the buildings will be, with additions.

Elizabeth Harrington, an abutter, said that Bill Bennett keeps saying that he'll meet the zoning requirements in the area, but he's changing the zoning.

Don Harrington asked about bringing the modular homes in and whether Cozy Hearth's modular reps have been down the path. He asked what would happen if they bring a home and can't get it in. Will they cut down trees?

3c. Commissioners

Carlene Condon commended Bill Bennett's efforts to try and minimize the negative impacts of the project and to try to supply affordable housing. The question Commissioners have to ask is whether three affordable housing lots in perpetuity is a significant enough benefit to the community to justify overriding the 3-acre zoning. The increase in density is permanent; the affordable housing benefit is three homes that will be affordable in perpetuity. She asked if there was any possibility additional affordable housing lots could be restricted in perpetuity rather than just for a period of time.

John Breckenridge asked for clarification about Natural Heritage's tentative approval; is Natural Heritage defining where the houses are placed or are they saying 67% overall of the acreage needs to be protected. **Bill Bennett** responded that Natural Heritage has determined that Cozy Hearth can use 33% of the property for building, roads, and sewer, but it did not determine which 33%. **John Breckenridge** said the proposed layout could be modified so that economies and efficiencies could be made in wastewater treatment.

Bill Bennett said they are using one leaching field for all the gray water for the entire development and for black water for three houses. They will use one very large holding tank, rather than 11 smaller ones.

John Breckenridge asked whether Cozy Hearth could tie the 11 houses into a cluster system rather than having the 8 composting systems.

Chris Alley said they looked at building a sewage treatment system; it would require a single leaching facility which would require modifications in the open space.

Bill Bennett said they discussed building a sewage treatment plant which would cost \$225,000 to \$250,000 plus the \$10,000 - \$15,000 a year for weekly maintenance, plus a heated building and huge above-ground tank. He said the plant seemed excessive in size impact and cost.

John Breckenridge wondered whether homeowners with composting toilets would be inclined to use Bio-Clere system to dispose of their waste.

Bill Bennett said he thinks it's impractical that people will want to "flush" composting toilet waste. The tanks are enclosed and have a pump-out pipe. He added that they are making the graywater proposal to address the Health Agent's fears that composting toilet waste will go down a sink, but he doesn't think it's likely that will happen.

Paul Strauss wondered whether there is a cluster or neighborhood system with a single large leaching field that would work rather than the combination of composting and Bio-Clere systems. He asked whether all of the blackwater could go to a Bio-Clere system. He added that whatever is installed to lower nitrogen kilograms per acre will require cost.

Bill Bennett said that the Bio-Clere as a primary system reduces nitrogen to 12 parts per million; Title V is 39 parts per million; the Commission's number is 7 parts per million. To get to the 7 parts per million they could spend \$100,000 for a secondary system or install the 8 composting toilets. He said doing the hybrid thing allows them to use composting toilets, which brings the nitrogen to nothing.

Chris Alley said he designed a package treatment system; the cost is \$250,000 with extensive physical and human maintenance costs. They have gone through a full design and multiple cost estimates. **Paul Strauss** said he assumed that Chris Alley was aware of the technical capabilities of such a system; **Chris Alley** said anything is possible with a big enough check.

Paul Strauss said that Cozy Hearth is trying to address the issues; but what he fears may happen is the only way they can get an approval is with a set of conditions where the Commission tells Cozy Hearth what to do.

John Breckenridge reviewed the cost of treatment systems. **Bill Bennett** said composting toilets are \$14,000 each. The Bio-Clere system is about \$120,000. **Bill Bennett** said he feels the package plan doesn't seem the right way to go. The cost is about the same but the physical plant and maintenance are complicated. He said the hybrid system results in a lower nitrogen contribution. Maintenance on the primary Bio-Clere is \$2,000 per year; maintenance on the composting toilet is \$1500 per quarter, for the development. **Paul Strauss** asked Cozy Hearth to put together some numbers and cost comparisons on the various systems and configurations.

Doug Sederholm said his two greatest concerns are the permanence of the affordability aspect of the proposal and proper wastewater treatment because it affects Oyster Pond.

- Carlene Condon has already raised the affordability issue; he is very concerned about a very dense development in a traditionally rural area. All Cozy Hearth is guaranteeing is three lots affordable in perpetuity and three lots that can be sold at market rate. If he wanted to impose a dense project on a traditionally rural area, he would need to see the benefit of permanent affordability.

- Bill Bennett has said several times that composting toilets are the way to resolve wastewater issues, but Edgartown won't allow them as a means of reducing nitrogen. Edgartown won't allow them because the State of Massachusetts won't allow them. The human element has been a problem on the island and he can't accept composting toilets for nitrogen reduction. He will be able to accept them for nitrogen reduction when Massachusetts accepts them.
- 2 questions:
 1. What's the estimated cost of an Amphidrome system?
 2. Is there a possibility of using an enhanced Amphidrome system that would be cheaper than a package treatment plant?
- It looks to him like the installation costs of a package treatment are the same as what is being proposed.

Bill Bennett said that the numbers brought forward are new today and have been developed since the written responses were submitted.

Christina Brown suggested that the Commissioners need staff to help them understand the types and costs of the options submitted.

Doug Sederholm summarized Matt Poole's e-mail of October 20th at 4:09 p.m.; it states that a plan of 3 composting toilets and 8 denitrified houses, with a lot of qualifiers, might be okay.

Chris Alley said that the Amphidrome equipment alone is \$120,000, installation is \$275 - \$300,000, about \$50,000 more than the Bio-Clere.

Christina Brown reiterated that information should be presented in a chart form for cost comparison.

Linda Sibley said she echoed other speakers in their concern about permanent affordability: The detriments don't go away in 30 years, a blink of an eye in planning terms. The benefits have to be as permanent as the detriments. She clarified that the Commission doesn't compare this project to other affordable housing projects like Fairwinds; each project has its own benefits and detriments.

- She said the Commission has learned from its lack of specificity in the conditions with regard to architecture. They thought they had understood what would be built but what is there is not what the Commission foresaw or what it would have agreed to. That experience has taught her to care about specific definitions for words like 'cape'.
- She wants to see details about architecture, landscaping, and protection of the conservation area from being trampled by kids and dogs and vehicles.
- She said she respectfully disagreed with Bill Bennett's statement that there had been little or no discussion of income of residents at Fairwinds and how much profit each person could make.

John Best said his concerns are about the screening and massing of 11 buildings. **Bill Bennett** said there are only 100 – 200 feet between houses and neighbors. Cozy Hearth won't be able to plant pine trees because they aren't native plants. **John Best** said he would like to see an offer to the abutters to create a buffer on their side.

Jim Athearn said he is still unclear on the road and the legal status of easements.

- **Bill Bennett** said that the easement on Watcha Path is a 33 foot wide road easement. The road itself is 14 to 16 feet wide. It's possible to put turnouts where needed.
- **James Athearn** asked whether the easement benefits anyone who lives there.
- **Robert Green** said that's the way residents understand it. They've widened the road in a couple of places and have put in several turnouts.
- **James Athearn** said he will be weighing the detriments against the benefits. The detriments stay the same, even if benefits continue. He added that residents of the area chose a lifestyle that Edgartown planners had established. One acre zoning changes everything no matter what the affordable housing benefits are.

Megan Ottens-Sargent said all of her issues have been covered.

Kathy Newman underscored the affordable housing in perpetuity questions. In addition, she said the cosmetic piece may be the least important in terms of the land, but it shouldn't be ignored.

- **Bill Bennett** clarified that the height restriction which is 32 feet, two stories and an attic. He clarified some specifics such as wood or dark asphalt roof; white or wood trim, shingle or clapboard.
- **Marcia Cini** said a practical problem is that the houses are being built by the individual owners who will be making decisions about style and details, so the covenants are general and meant to describe New England vernacular architecture.
- **Linda Sibley** asked about size of the houses; **Bill Bennett** said he expects that houses will be small but the covenants don't restrict the size other than the number of bedrooms and number of bathrooms.
- **Kathy Newman** said in a development there are usually certain models with certain heights. It might be reassuring to neighbors to have a plan of what the neighborhood will look like. **Bill Bennett** said houses people are interested in are small and basically capes.
- **Marcia Cini** said she thought the outcome would be a natural visual diversity. **Kathy Newman** said she agreed, but the unknown is unsettling.
- **Bill Bennett** said the building inspector would monitor the house plans which would have to conform to zoning and codes. The corporation will maintain the road and will maintain Watcha Path during construction.
- **Kathy Newman** asked if Bill Bennett will live there; he said the house is for his daughter and he may build the house now or wait 20 years.

Mimi Davisson said she's following Richard Toole's advice; if it's already been said, don't say it again.

Chris Murphy said the same.

Megan Ottens-Sargent said that a development like Nat's Farm has covenants that address design concerns. **Bill Bennett** said their covenants do address housing style and specifics; as more time goes by and restrictions are added, the houses are getting smaller.

Megan Ottens-Sargent asked about toilets; **Bill Bennett** said \$14,000 per household pays for two flushing toilets, a 500-gallon collection tank and composter.

John Breckenridge thanked Bill Bennett for all the proposals Cozy Hearth is making. He asked whether Cozy Hearth has talked with the refuse district. **Bill Bennett** said he hasn't spoken with anyone with the refuse district. He did not pursue the curb cut option because it seemed a more complicated solution to a simple problem. **John Breckenridge** said phone calls don't cost money; the hairpin turn makes it not a safe intersection and visibility is an issue. He added that a curb cut is not prohibited; but would require a special permit.

Mark London asked whether the applicant would be willing to do a curb cut if the Commission were to decide that is the best solution; **Bill Bennett** said they would do a curb cut and they already have an estimate.

Linda Sibley asked about the layout of lots. **Bill Bennett** said that his schematic shows houses facing south for passive solar, but the houses don't have to be oriented in any particular way.

Mark London said his suggestion is to develop language for an offer or conditions to limit massing and visual effect.

The Commission took a short recess.

Marcia Cini said Cozy Hearth is prepared to make a number of offers:

- A height restriction of 26 feet.
- In terms of buffering from the neighbors' view, they weren't sure what would be appropriate from the Commission's point of view and would accept a condition from the Commission for buffering.
- Cozy Hearth will accept staff's recommendation on a traffic solution.
- Cozy Hearth will accept staff's recommendation on a wastewater solution. The Commission has the information on options that need to be examined and worked through.
- In terms of affordability, they need to talk with owners of the homes. The law on the duration of affordability of houses over 80% is changing. On the five 30-year houses Cozy Hearth is willing to accept resale restrictions to the maximum period allowed by law which is expected to change.

John Best asked for clarification that as the law changes, the resale restrictions will change.

Marcia Cini said yes, they can't offer resale restrictions in perpetuity for the houses over 80% but if the law changes the restrictions will change. She said the applicants have heard the Commissioners' concern about the central importance of the affordable housing benefit.

Doug Sederholm the maximum period allowed by law is 30 years, but the restriction can be written in such a way that it can be extended in perpetuity to a beneficiary. **Marcia Cini** said she's not seen the model of automatic renewal; she's working with the new home rule petition that was passed in December, which, if passed, would allow restriction to be perpetual.

Christina Brown clarified that Cozy Hearth would rather use the idea of "maximum period allowed by law", but if automatic renewal is the only option, they would use it.

Marcia Cini said Cozy Hearth would rather have the resale restriction as a condition than offer it.

John Best clarified that the height restriction offer is 26 feet.

3d. Applicant's Statement

Bill Bennett said that Cozy Hearth is about being able to continue to work on the Island. Members pooled their resources and took a risk so they might be able to stay on the Island. He said that everyone in the room loves the Vineyard. Cozy Hearth is about the dream of being able to live here and being able to buy land for a house after prices went up six years ago. Some members of Cozy Hearth are third and fourth generation islanders; some are tradespeople, some are professionals. Six children are part of the group. He hopes that the three families that will join Cozy Hearth will have children. This has been a long process and he feels they have come up with solutions that will satisfy the Commission, the neighborhood, and the community. Cozy Hearth will not solve the affordable housing crisis but it will make it possible for a small number of families to continue to live on the Island. He urged Commissioners to vote yes to help regular people to stay on the Island.

Christina Brown LUPC will meet on November 7th. She closed the public hearing.

The Commission took a brief recess.

4. OTHER

4a. Agenda

Paul Foley reported that staff asked 10 State Road to postpone appearing before the Commission because of the already extensive agenda; the applicant for 7 Beach Road requested a postponement to a later date.

4b. MV Tennis & Racquet Club

Mark London reported that the Commission had received letters from Jack Robinson. A tree on his property was knocked down and he requested a special meeting for permission to cut down the tree. **Mark London** said there was no previous condition about the tree and suggested sending him a letter to that effect. In his second letter, Mr. Robinson asked for notes on and recordings of meetings related to his application.

4c. Drawbridge Committee

Mark London reported that the Drawbridge Committee met and hired a consultant to analyze the condition of the existing drawbridge. The consultant will address the concern that the existing drawbridge will not last long enough to build the permanent solution.

Linda Sibley said there was a request from the Chilmark member that the Commission hold a meeting on the drawbridge, possibly a joint public meeting. **Mark London** will ask the chair of the drawbridge committee about setting up a joint informational meeting.

Mark London reported that the hospital has asked if it could meet again with the Commission. Staff has developed a draft letter that summarizes the Commission's concerns. **Chris Murphy** said that it would be nice if they didn't just send the architect.

5. MINUTES

J. Athearn, J. Best, J. Breckenridge, C. Brown, C. Condon, M. Crane, M. Davisson, C. Murphy, K. Newman, M. Ottens-Sargent, D. Pigeon, J. Powell, D. Sederholm, L. Sibley, P. Strauss,

The following corrections to the minutes of September 22nd were agreed on:

Page 4, line 145-146 *coming to a solution involving Oyster Watcha Path*

Page 10, Zachary Wiesner Concurrence Review

Doug Sederholm recused himself and left the room.

Last page, line 432 *restore an important rare habitat*

Doug Sederholm moved and it was duly second to approve the minutes of September 22, 2005, as amended. A voice vote was taken. In favor: 14. Opposed: 0. Abstentions: 1. The motion passed.

The meeting adjourned at 10:20 p.m.

Linda B. Sibley
Chairman

2/2/2006
Date

Nathaniel J. Means
Clerk-Treasurer

Feb 2, 2006
Date