

LAND USE PLANNING COMMITTEE

March 22, 1999

The Land Use Planning Committee of the Martha's Vineyard Commission met on Monday, March 22, 1999, in the Olde Stone Building, Oak Bluffs. Co-Chairman Donaroma opened the meeting at 5:30 P.M., and departed.

Present: LUPC Co-Chairman Michael Donaroma (partial attendance), Co-Chairman Christina Brown, members Michael Colaneri, Jane A. Greene, Richard Toole and Marcia Cini (partial participation); staff person Jo-Ann Taylor; John Ronayne, Doug Hoehn, Ron Mechur, and Herb Putnam.

HOULAHAN SUBDIVISION, EDGARTOWN

d.r.i. #450

Formulation of Recommendations to M.V.C.

Ms. Brown, Mr. Colaneri, Ms. Greene and Mr. Toole participated in this discussion. Mr. Ronayne and Mr. Hoehn also contributed.

Mr. Colaneri moved to recommend to the full M.V.C. to approve with conditions. The motion was seconded and L.U.P.C. discussed possible conditions for approval (see attachment for final list of recommended conditions).

There was considerable discussion of separation of building construction from the wetland areas. Mr. Colaneri first proposed using the inland limit of the Coastal District, 500' from Mean High Water. The Town allows construction between the inland limit and the shore zone, by Special Permit. Ms. Greene noted that the dwellings could be sited some distance from the resource, with narrow view channels cut for the occupants' benefit, thus protecting the resources as well as the view from the water. Mr. Ronayne and Mr. Hoehn protested. Commissioners decided on using the wetlands boundary as a better reference to specifically target wetlands protection, settling on the distance of 200' from the wetlands.

LUPC recommends that construction must also meet any Town regulations that may be in place at the time of permits for future development. LUPC recommends separating septic leaching facilities from the wetlands by 325', in concurrence with the applicant's proposal. LUPC recommends that roads and driveways should not be paved, in concurrence with the applicant's proposal. LUPC recommends restricting lawn size within 500' from the wetland boundaries to 2500 ft², using language similar to the Town's regulations in place to protect the Edgartown Great Pond. LUPC recommends use of only organic fertilizer and no synthetic pesticides.

LUPC recommends an intensive locational archeological survey, in concurrence with the written recommendation by Mass. Historical Commission.

LUPC recommends no further subdivision of the property.

LUPC discussed restricting the number of walkways to cross the wetlands for beach access, considering 5 to be excessive. The Edgartown Conservation Commission and Planning Board have approved one walkway on proposed Lot 3, at the overall narrowest part of the wetland. Those permits may have lapsed. LUPC studied the plan and discovered that there is a site on lot 5 that would have minimal impact, being south of most of the wetland area; and that Lot 1 would not be able to share beach access with any other lot, because the pond inlet cuts it off from the rest of the beach. LUPC recommends allowing walkways only on lots 1, 3, & 5, to be shared by adjacent properties.

LUPC discussed restricting the number of piers, considering 5 to be excessive. The Town allows piers in the area by Special Permit from the Planning Board. Ms. Greene proposed 0 piers; Mr. Colaneri 1; Mr. Toole 2; Ms. Brown 3. LUPC settled on recommending one pier, to serve any or all lots as desired by the applicant. Mr. Ronayne protested the proposed restriction, comparing treatment of nearby properties. Ms. Greene noted that M.V.C. has never approved a private pier for any residence.

There was a discussion of affordable housing provision. With guesthouses allowable on only 3 of the lots, there would only be a maximum of 8. M.V.C.'s affordable housing policy is in effect for proposals involving 10 or more dwelling units or lots. LUPC recommends including a restriction on guesthouses, in accordance with the existing Board of Health regulations; in case those regulations change prior to construction.

L.U.P.C. voted unanimously to recommend that the full M.V.C. approve the project with conditions (see attachment).

L.U.P.C. RECOMMENDATIONS TO M.V.C.

HOULAHAN SUBDIVISION, d.r.i. #450

At its March 22, 1999 meeting, L.U.P.C. voted to recommend to the full M.V.C. to approve with the following conditions:

- 1. that building construction shall be prohibited within 200 feet of any wetland boundary.
- 2. that construction shall be subject to any rules and regulations of the Town of Edgartown in place at the time of the pursuit of any other permits.
- 3. that no septic leaching systems shall be sited within 325' of any wetland boundary.
- 4. that all roads and driveways shall be constructed with pervious materials.
- 5. that an intensive (locational) archeological survey (950 CMR 70) shall be conducted prior to the start of any construction, site preparation work or related activity.
- 6. that within 500' of any wetland boundary, lawns are permitted provided that the lawn is immediately adjacent to the dwelling it serves, is no more than 2,500 square feet in area, is comprised of native grasses and those portions of a lawn between the dwelling it serves and any wetland boundary shall be no more than 50' in width.
- 7. that use of any inorganic fertilizer is prohibited on any part of the subject property; that the use of any synthetic pesticide, including but not limited to fungicide, herbicide or insecticide, is prohibited on any part of the subject property; however, inorganic or synthetic treatments may be permitted for agricultural purposes or structural pest control only, with approval of the Edgartown Board of Health.
- 8. that walkways may be constructed on lots 1, 3 & 5, across the wetlands to the beach; the walkways shall serve adjacent properties.
- 9. that a maximum of one pier may be constructed to serve any or all lots in the subdivision.
- 10. that guesthouses are prohibited on lots 4 & 5, in accordance with regulations of the Edgartown Board of Health in place at the time of this decision.
- 11. that there shall be no further subdivision of the property beyond that approved in this decision.

**ANN FLOYD et al (Tom's Neck Farm), EDGARTOWN
d.r.i. #483 - formulation of recommendations to M.V.C.**

Mr. Colaneri, Ms. Greene, Ms. Brown, Mr. Toole and Ms. Cini participated in this discussion. Mr. Mechur contributed.

Mr. Colaneri moved and Ms. Cini seconded a recommendation to M.V.C. to approve with conditions the plan received March 10, 1999, revised to exclude the previously proposed wetland crossing, rather accessing the property via a roadway proposed to be constructed near the western boundary of the property and requiring a Special Permit for the Island Roads District. LUPC noted that the new plan was received prior to the March 11 public hearing continuation and was on display but not discussed at that hearing.

LUPC discussed protection of rare species. LUPC recommends a survey for breeding sites of the northern harrier (*Circus cyaneus*), in concurrence with comments from the Edgartown Conservation Commission and the applicant's statement that the property contains potential harrier breeding habitat. Sheriff's Meadow Foundation has offered to perform such a survey. LUPC recommends that the applicant select a consultant of her choice, to be approved by M.V.C. LUPC recommends that the applicant survey for the endangered Papillose Nut-Rush (*Scleria pauciflora* var. *caroliniana*), in concurrence with recommendations of the Natural Heritage & Endangered Species Program. LUPC also concurs with the Natural Heritage & Endangered Species Program recommendation to protect the barn owl (*Tyto alba*) from impacts by use of rodenticide.

LUPC recommends that an intensive locational architectural survey be performed, in concurrence with the recommendations of Mass. Historical Commission and the Wampanoag Tribe of Gay Head (Aquinnah). The applicant has offered "that during each aspect of the building process a proper investigation should be made by a qualified archeologist". Staff noted that such inspection will require a permit from Mass. Historical Commission; appropriate methods and areas to survey will be agreed upon by the applicant and Mass. Historical Commission at that time. LUPC recommends that the applicant provide a Historic Structures Report for the "Farmhouse", and that any proposed architectural alterations must be approved by M.V.C.; as suggested by Ms. Cini.

LUPC recommends that no inorganic fertilizers or synthetic pesticides be used on any part of the property, other than that associated with agricultural use and approved by the Board of Health. LUPC particularly noted the need to protect the extensive wetlands on the property, and to protect the barn owl from the effects of use of rodenticide.

There was discussion of requiring separation of septic systems from the wetlands. Noting that there is very little room on the site that has any distance from wetlands, LUPC settled on the recommendation that any leaching facilities within 325' of a wetland should include advanced nutrient removal systems. LUPC recommends restricting lawn size within 500' from the wetland boundaries to 2500 ft², using language similar to the Town's regulations in place to protect the Edgartown Great Pond.

LUPC discussed the issue of affordable housing. LUPC noted that the covenants restrict guesthouses to lots 1,3,4,6 & 7, for a potential total of 14 dwelling units for the project. M.V.C. Affordable Housing Policy refers to projects involving 10 or more lots or dwelling units. Mr. Mechur suggested that the applicant considers the 3 small lots as affordable housing, intended to allow the "kids" to be able to afford to return to the Island. LUPC discussed options such as a monetary contribution or a restriction on guesthouses, to reduce the number of dwelling units. LUPC settled on the recommendation that the applicant provide the sum of \$1,000 to the Regional Housing Authority for each approved lot.

There was discussion of the visual impacts of structures. LUPC recommends acceptance of the applicant's proposed protective covenants and incorporation into the decision. Ms. Greene proposed a restriction to prohibit guesthouses from being attached to the main dwellings, as is proposed to be allowed in the covenants. There was no second. LUPC recommends that size, mass and scale of structures should be appropriate for the property.

There was discussion of open space protection. LUPC recommends that there should be a Conservation Restriction given to the Town or to a qualified conservation organization.

L.U.P.C. voted unanimously to recommend to the full M.V.C. to approve the project as revised March 10, with conditions (see attachment).

L.U.P.C. RECOMMENDATIONS TO M.V.C.

**ANN FLOYD et al (Tom's Neck Farm)
d.r.i. #483**

At its March 22, 1999 meeting, the Land Use Planning Committee voted to recommend to the full Martha's Vineyard Commission to approve the project, revised to exclude the previously proposed wetlands crossing, according to the plan received March 10, 1999, with the following conditions:

- 1. that the applicant is directed to perform a survey of the property for breeding sites of the northern harrier (*Circus cyaneus*), surveyor to meet with M.V.C. approval; to file survey results with M.V.C.
- 2. that the applicant is directed to survey for Papillose Nut-Rush (*Scleria pauciflora* var. *caroliniana*) in grassy areas proposed to be disturbed, prior to disturbance, surveyor to meet with M.V.C. approval; to file survey results with M.V.C.; and to take steps to protect any specimens discovered.
- 3. that an intensive (locational) archeological survey (950 CMR 70) be conducted prior to the start of any construction, site preparation work or related activity.
- 4. that the applicant produce a Historic Structures Report to document existing conditions of the structure known as the "Farmhouse"; any proposed architectural alterations must be approved by the M.V.C.
- 5. that use of any inorganic fertilizer is prohibited on any part of the subject property; that the use of any synthetic pesticide, including but not limited to fungicide, herbicide, insecticide and particularly rodenticide, is prohibited on any part of the subject property; however, inorganic or synthetic treatments may be permitted for agricultural purposes or structural pest control only, with approval of the Edgartown Board of Health.
- 6. that the applicant shall provide the sum of \$1,000 per approved lot to the Dukes County Regional Housing Authority, said sum to be provided within two years of the date of this decision.
- 7. that any septic systems sited within 325' of any wetland boundary shall include advanced nutrient removal systems.
- 8. that within 500 feet of any wetland boundary, lawns are permitted provided that the lawn is immediately

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adjacent to the dwelling it serves, is no more than 2,500 square feet in area, is comprised of native grasses and those portions of a lawn between the dwelling it serves and any wetland boundary shall be no more than 50 feet in width.

- 9. that the M.V.C. accepts the provisions of the proposed "Declaration of Protective Covenants and Agreement for Tom's Neck Farm, Chappaquiddick", dated January 7, 1999; and incorporates the provisions into this decision.
- 10. that for open space not conveyed to the Town, a Conservation Restriction shall be recorded and provided to the Town or to a non-profit organization the principal purpose of which is the conservation of open space.
- 11. that the size, mass and scale of structures shall be appropriate for the property.

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The meeting was adjourned at 7:40 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jo-Ann Taylor". The signature is written in black ink and is positioned above the typed name.

Jo-Ann Taylor
Coastal Planner