

THE MARTHA'S VINEYARD COMMISSION

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Land Use Planning Committee Summary of November 27, 2000 Meeting Olde Stone Building

Members Present:

Christina Brown, Co-Chair
Anne Gallagher
Richard Toole
Linda Sibley

Staff Present:

Christine Flynn
William Wilcox

Others Present:

Please refer to the attendance list.

Meeting opened at 5: 45 PM by Christina Brown.

Mackenty Subdivision (DRI #533)

Discussion began with Ms. Brown stating that corrections should be noted with regards to the handouts. There were eight lots instead of nine, lot #32 was taken out. Mr. Wilcox stated that lot #34 is currently 8.8 acres and lot #35 is 9.2 acres. Ms. Brown then encouraged members to review three handouts which included Mr. Wessling's staff notes dated October 18, 2000 and Mr. Wilcox's staff notes dated November 21, 2000 and proposed conditions and restrictions submitted by the applicant's agent Schofield, Barbini, and Hoehn dated received by MVC on October 26, 2000.

Ms. Brown then went on to mention for the record that the applicant's agent informed the MVC that the technical inventories of the property: archeological, historical, botanical, flora, and fauna could be found in the Meeting House Golf file. Ms. Brown then referred the members to view a map on the easel. The map represented the vegetation of the Meeting House Golf property which incorporated a much larger piece of land than the Mackenty property. Ms. Brown emphasized that at the applicant's (Mackenty) request everything concerning the technical information such as birds, vegetation, and soil types from the Meeting

House Golf file would be added to the Mackenty file. Ms. Brown then invited the members to consider the birds.

Ms. Brown asked Mr. Wilcox if he had any further comments on the application. Mr. Wilcox stated that he had made small changes to his staff notes. Mr. Wilcox then began to summarize his staff notes that were handed out to the LUPC members. The soils were coarse sandy soils. The ground water at a depth of eight to twenty five feet below grade depending on where you are standing within the property. The ground water flows to the Great Pond. The interim nitrogen loading limit for the Great Pond is a little over two and a half kilograms per acre. The recommended loading limit for this property is 112 kilograms for the forty-four acres of land. The expected maximum loading, a conservative or larger estimate, is about 109 kilograms which would meet the loading limits based on the septic system and the turf loading.

Ms. Brown asked Mr. Wilcox if those calculations reflected Title V? Mr. Wilcox replied "No". The calculations were based on one person per bedroom on a year-round basis. That would mean forty-four people on the property year round plus the turf loading would amount to 109 kilograms which meets the nitrogen loading limit. Mr. Wilcox also pointed out that a moderate growth scenario in the Edgartown Great Pond Report which meet the loading limit for the pond assuming the three acre zoning area and the lot size would average out to about five acres per dwelling. The Mackenty application fit the moderate growth scenario.

Mr. Wilcox continued his report by stating the high loading number was not likely for the reasons that the Title V flow conditions assume two people per bedroom year-round. That would equal eighty-eight people on the property year-round.

With regards to the conditions, Mr. Wilcox briefly summarized five possible conditions. Members found recommendations numbers one, two, and three acceptable. For conditions four and five, Mr. Wilcox felt the wording may need adjustments. Mr. Wilcox clarified that condition four should be administered by the Conservation Commission and condition five should be administered by the Martha's Vineyard Commission.

Discussion then turned to the issue of considering the possibility of internal nitrogen transfer rights. Mr. Wilcox stated that the only way to bank nitrogen within the property would be to install denitrification septic systems for each of the proposed lots. Then take the amount of nitrogen saved and use it for other purposes. It would be safe to assume that installing the denitrification systems on the eight lots would save about a third of the nitrogen which would equal thirty-three or thirty-four kilograms.

Ms. Sibley suggested that the wording of Mr. Wilcox's recommended conditions four and five regarding nitrogen loading should reflect not only what would happen on the property but also what would happen on the Edgartown Great Pond as well. It was encouraged by Ms. Brown that those individuals who don't develop their land all at once should farm the land.

Regarding the "existing field" which was bullet point "F" of the Schofield, Barbini, and Hoehn handout, Ms. Sibley made a motion to accept the applicant's offer as written but requested that Mr. Wilcox's condition #3 be included at the end.

Please Note: To avoid confusion, the handout by Schofield, Barbini, and Hoehn the bullets were tagged "A" through "F" while the paragraph at the top of the page was refereed to as section "H".

Mr. Wilcox then advised that the Conservation Commission would be the appropriate agency to receive and oversee the management plan. Ms. Brown agreed so long as there would be a condition placed that would enable a Town agency or board to enforce conditions set forth by the Martha's Vineyard Commission.

Ms. Brown then suggested that another possible recommendation should incorporate Mr. Wilcox's recommendation number four plus the MVC should consider what is currently occurring at the property regarding nitrogen loading as well as the possibility of a transfer of nitrogen from within the property or conservation lands elsewhere in the watershed.

Ms. Brown then clarified that Mr. Wilcox's recommendation numbers three and four would be added to the applicant's recommendation "F". The members agreed to recommend that idea to the full Commission.

Ms. Sibley referring to a site visit that occurred the previous day requested that a maintenance plan be done to preserve a patch of sand plain grass land. Ms. Sibley did not want to see that area which is in the shape of a triangle get gobbled up by agriculture. Ms. Sibley suggested that the Conservation Commission should oversee that the area gets mowed or burned every ten years or so.

The recommendation to the full Commission is to accept the applicant's offer to create a Homeowner's Association that would maintain the roads and open space among other things. In terms of covenants and deeds which usually last for thirty years, some of the members would prefer to see the covenants and deeds in perpetuity. It was pointed out that the applicant has not offered a conservation restriction

It was then asked of the applicant's agent why is the applicant offering covenants rather than conservation restriction/easements. Mr. McCarron replied if and when these properties are sold. It will give the opportunity of a purchaser to donate to the land under a CR (Conservation Restriction) for tax reasons.

Again, it was decided to accept the applicants offer section "H" which concerned the Homeowner's Association Covenant.

Moving on to section "E", the committee was concerned that zone 2 was not extended. It was decided to recommend Mr. Wilcox's number two which would extend into zone 2 and the whole property would be treated as a DCPC. Section "E" was discarded as a consideration.

Ms. Sibley expressed concern that the development envelopes were too large. Ms. Sibley felt that the fifteen foot no cut band of trees between the field and the building envelopes was not adequate. Ms. Sibley would oppose any clearing of the trees to enhance the view of the field from a home but does not have a problem with someone building their home on the edge of the field. Ms. Sibley would like to see the woods acknowledged as being an important part of the eco-system. Discussion then ensued concerning the average size of development envelopes for this application as well as past subdivisions within the same area. There should be a fair amount of flexibility for the property owners to build within the envelope. It was concluded that the size of the development envelope needed to be defined.

Please note: End of audio tape.

The members of the Committee then discussed the issue of cutting trees. It was suggested that the entire subdivision would be restricted to 25% -30% of the trees could be removed from each lot. Property owners could also trade clear cut rights amongst the group. This was to be overseen by the Conservation Commission.

It was encouraged by the members that the applicant allow for some public access or at least talk to the Edgartown Trails and Byways Committee to discuss the possibility of connecting trails. But it was understood that the MVC was not requiring public access.

The next topic was affordable housing. Ms. Sibley hoped that the applicant would consider to eliminate the offered lot to reduce density and then to take the offered lot attach it to a larger lot and sell the combined lots. The money that is earned from the sale of the lots should then be given to affordable housing. Mr. Toole expressed serious concern that the MVC should accept the lot instead of the monetary offer. Ms. Brown and Ms. Sibley disagreed. It was decided that LUPC would recommend to the full Commission to accept the applicant's offer which may result in a monetary offer.

It was then recommended by Ms. Brown that each new house must have a advanced denitrification loading treatment septic systems. The members agreed to recommend this idea to the full Commission.

Ms. Sibley then made a motion to recommend to the Commission that the project be approved with conditions. It was agreed by the LUPC members.

It was decided that the LUPC members would leave the issue of guest houses up to the full Commission.

Colonial Inn (DRI #15 M)

Ms. Sibley made a motion which was seconded by Mr. Toole to recommend approval with conditions.

Ms. Brown reminded the members that there have been two nights of public hearing and a site visit. Ms. Brown also cited the two reasons why this was referred as a DRI. The first reason being a new restaurant and the second being the addition of ten new guest rooms.

Ms. Brown then asked Mr. Toole for his opinion concerning the proposed project. Mr. Toole felt the loading zone needed to be addressed.

Ms. Brown then encouraged the members to read the Edgartown Zoning By-laws regarding parking within the B-1 zoning district. It was agreed that the applicant should find alternative parking.

Ms. Sibley expressed concern that the year to year lease the applicant currently has for twenty-eight parking space off site could be a problem if the parking lot lease was not renewed. If that were to happen and the applicant could not find an alternative satellite parking lot, the applicant should then make a donation to the Town for the maintenance of public parking and the Vineyard Transit Authority. The donations to the VTA should be based on the number of parking spaces lost or needed. The applicant should also provide its own jitney service.

The next recommendation was the brick loading zoning. Ms. Gallagher did not feel it was adequate. It was deferred that Mr. Wessling, Senior Staff Planner and DRI Coordinator, would clarify this issue.

It was then recommended that the unloading and loading would take place before 9:00 AM.

Members agreed to recommend that the Commission accept the applicant's offer to have the hotel loading from the rear and require the applicant to have retail loading from the rear as well. Everything but Chesca's must load and unload from the rear.

The affordable housing contribution was \$10,000 at cost labor. It was unclear if Habitat for Humanity or DCRHA would have to pay prevailing wages or not. Staff was asked to find information on this issue.

Other issues that were to be discussed at the full Commission were public access to the bathrooms and the status of the bar. Ms. Sibley preferred that if the bar was to expand it would have to return to the MVC for a modification.

Mr. Toole made a motion to recommend to the full Commission to accept the applicant's offer for the Park and Ride.

Meeting adjourned at 7:16 PM.