

# THE MARTHA'S VINEYARD COMMISSION

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## Minutes of the Regular Meeting of March 20, 2003

Held in the Olde Stone Building,  
33 New York Avenue, Oak Bluffs, MA

### IN ATTENDANCE

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**Commissioners:** Jim Athearn, Chairman (Elected – Edgartown), John Best (Elected – Tisbury), Christina Brown (Elected – Edgartown), Linda DeWitt (Appointed – Edgartown), Jane A. Greene (Appointed – Chilmark), Tristan Israel (Appointed – Tisbury), Katherine Newman (Appointed – Aquinnah), Megan Ottens-Sargent (Elected – Aquinnah), Douglas Sederholm (Elected – Chilmark), Richard Toole (Elected - Oak Bluffs), Alan Schweikert (Appointed - Oak Bluffs), Linda Sibley (Elected – West Tisbury), Paul Strauss (Appointed – Dukes County), Andrew Woodruff (Elected - West Tisbury)

**Staff:** Mark London (Executive Director), Christine Flynn (Regional Planner), Jennifer Rand (DRI Coordinator), Bill Wilcox (Water Resources Planner), Bill Veno (Regional Planner).

### 1. CAPE POGUE DCPC - CONCURRENCE HEARING

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*Commissioners present for the Hearing: J. Athearn, J. Best, C. Brown, L. DeWitt, J. Greene, T. Israel, K. Newman, M. Ottens-Sargent, D. Sederholm, R. Toole, A. Schweikert, L. Sibley, P. Strauss, A. Woodruff.*

There being a quorum present, Jim Athearn, Hearing Officer, opened the Public Hearing at 7:42 p.m. and read the Notice of Public Hearing. He explained that the purpose of the Hearing is to see whether proposed changes to the Town's regulations are in conformance with the guidelines of the Cape Pogue DCPC adopted in 1988. The aim is not to discuss the merits of the proposal. He also pointed out that the intention is to receive testimony tonight and vote on April 3., 2003.

Bill Veno explained the role of the Commissioners regarding the citizen proposal to amend the Cape Pogue DCPC.

- A DCPC is a tool to allow Towns to create regulations governing important parts of the

island. Towns or citizens nominate districts, the Martha's Vineyard Commission decides whether to designate the district and, if so, prepares guidelines. The Town then prepares regulations, the Martha's Vineyard Commission checks for conformance of the proposed regulations and with the Martha's Vineyard Commission's guidelines and subsequently, the Town can adopt the regulations at Town Meeting, with a 2/3 vote.

- The Cape Pogue DCPC was created as a result of a voter petition and was adopted by the Town in 1988. The Martha's Vineyard Commission's guidelines deal with five areas: Impairing the physical integrity of natural features, wildlife habitat, vegetation, minimized obstruction of public views, and surface and ground water protection.
- Tonight's Hearing is a result of a voter (taxpayer) petition to revise the regulations. There were two previous amendments to the regulations in 1994, expanding the district to include Cape Pogue waters and restrictive piers.
- This application to amend regulations proposes to adopt detailed numeric standards for the size of houses and deal with the guideline on the appearance and visual integrity of the district.

Doug Sederholm asked for the definition of an accessory structure. Christina Brown, who is also Assistant to the Planning Board, replied that accessory structures are garages, sheds, and even guesthouses, but that they must accompany a main dwelling on the property. There cannot be an accessory structure without a main building.

### 1.1 Sponsor's Presentation

Althea Wilson explained the proposal from the petitioners' point of view:

- A few weeks ago, the Edgartown Planning Board had difficulty coming up with the appropriate dimensions for a proposed house at Wasque. Since the originators of the DCPC never anticipated a proposal to build more than a beach house of modest proportions, the goal of the DCPC to "preserve and enhance the character of views" seemed adequate at the time.
- The proposed amendment is derived from a study of the present housing pattern on Cape Pogue. The average house footprint is now about 1200 sq. ft. and the proposed limit of 2000 sq. ft. is at the high end of the range of existing houses.
- She read from her prepared statement "Because Cape Pogue is of such spectacular beauty and any building has an impact on its landscape of low vegetation, something of smaller scale would be less intrusive. Horizontal lines which hug the land rather than protruding upward with dominant vertical lines would be more in harmony with this open windswept terrain".
- She said that the proposal had been looked at by a land use lawyer who said that it was O.K.

### 1.2 Testimony from Public Officials

There was none.

### 1.3 Public Testimony in Favor of the Proposal

Roger Becker urged the Commission to allow this amendment as part of the DCPC as it meets the Martha's Vineyard Commission's guidelines. The present regulations are clear about

regulating the size, appearance

and height of buildings, so it was clear that The Martha's Vineyard Commission was interested in size. This proposal pins it down to a number in keeping with what is out there.

Alan Wilson, a member of the Edgartown Planning Board, noted that people who had never even been to Martha's Vineyard wanted to build a 10,000 sq. ft. house right on Wasque. It would have been the biggest house on Chappaquidick and one of the biggest in Edgartown. The Planning Board wanted to have something more specific than just the word "size" when evaluating proposals. In this case, the size of the house was approved at 7,500 sq. ft..

James Kelley said that a survey of Chappaquidick residents was carried out with respect to their opinions on the sizes of houses. People sent in response cards. One of the six questions dealt with the proposed amendments to the regulations. So far, they have received 125 responses out of a mailing of 540. On the general question of the desirability of limiting size, 96 said yes and 22 said no. On the questions as to whether this proposed amendment to the DCPC regulations should be accepted, 71 said yes, 19 said no and 32 said they didn't know, probably because they were not used to dealing with building footprints. Of those who did not agree, some suggested a bit more or less than the proposed limit. The consensus was that size matters and should be restricted. The proposal is consistent with the DCPC guidelines.

Alan Schweikert asked whether the petitioners were looking for a system of architectural review. Sunny Wilson replied no. They based these regulations on the existing pattern, favoring buildings that are low and hug the landscape.

Jane A. Greene asked whether to have houses hug the landscape and be modest in size is in Chappy tradition. Sunny Wilson replied that this was well said. Alan Wilson said that the aim of the DCPC was to have houses that are modest and don't call attention to the themselves. There are only two or three lots that have not been built on, but there is a danger that people will demolish existing ones and replace them with large houses. Such a change would be in contradiction with the aims of the DCPC. Sunny Wilson added that the proposed amendment is not only for the benefit of Chappy residents, but that everyone who views Cape Pogue would also benefit from the better controlling of the size of houses.

Doug Sederholm asked whether there are presently height limits. Sunny Wilson said that the limit is 26'.

Megan Ottens-Sargent asked whether regulations are only approved at Annual Town Meeting. Christina Brown said that there is strong tradition to that effect but that in exceptional cases, they are considered at other times.

Paul Strauss asked how many lots there are in the DCPC and how many are built on. Christina Brown replied that there are 22 existing houses in the DCPC and 5 to 7 unbuilt lots. All of them are located in the natural vista.

Jim Athearn closed the hearing at 8:12 p.m.

## 2. BRIDGE HOUSING [DRI No. 560] - CONTINUED PUBLIC HEARING

*Commissioners present: J. Athearn, J. Best, C. Brown, L. DeWitt, J. Greene, T. Israel, K. Newman, M. Ottens-Sargent, D. Sederholm, R. Toole, A. Schweikert, L. Sibley, P. Strauss, A. Woodruff.*

*Present for the applicant: Brad Austin, President of Bridge Housing Corp.*

There being a quorum present, Christina Brown reopened the Public Hearing (Previous sessions of the Public Hearing on this request were February 13, 2003 and March 13, 2003) and read the public notice.

## 2.1 Applicant's Presentation

Brad Austin responded to issues raised at the last Land Use Planning Committee Meeting:

- He submitted a possible redesign that deals with many issues raised at the previous hearing and that would be acceptable to the applicant. The houses are moved considerably back from State Road with only minimal encroachment into the Island Roads District. The internal roadway has been redesigned so it only crosses Red Coat Hill Road once and houses have been relocated to minimize the impact on the ancient way.
- With respect to the issue of rental versus ownership, the applicant settled on a limited equity co-op model with monthly fees but a low share cost so that people with limited means could afford to buy into the project. The corporation bylaws will allow for rental provided the renters meet the same income guidelines as the owners. The overall management will not be structured to manage rental on an ongoing basis but individuals could do it.
- With respect to changing the median income levels and the impact of the mix on the fragility of the projects economics and the cost of denitrification, the board moved two houses that had been at 100% of median income to 140%, and would like to reserve the right to do more. The project is now 37% fully affordable (based on the definition of 80% of median income or less). They are concerned about reducing it more in terms of respecting Chapter 40B or the requirements of a 501C3 organization.
- With respect to the idea of introducing market rate lots into the project, they are not sure they could meet the requirement for minimum lot sizes of 50,000sq. ft. This would require taking land out of the land bank property. If they bought 2 additional acres and sold as 3 lots at \$200,000, this would generate enough revenue to eliminate three buildings from the co-op part of the project but would have created 3 buildings of about the same size. There is a concern that the Norton family chose Bridge instead of other developers, even though they offered a lower price for the land, on the basis of having 100% of the units affordable (140% or less). It would be complicated to have to go back to the land bank and the Norton's. The impact would be to spread the project back into part of the property that otherwise would be preserved as open space.
- With respect to the comment that Bridge Housing Corp. has been inflexible, he noted that they came with well-scrutinized figures and a proposal that had been well analyzed by expert consultants. They are flexible regarding issues such as siting, mitigating the impacts on neighbors, and limiting lighting. However, the economic viability depends on achieving the proposed number of units.
- With respect to the selection criteria for buyers, he repeated the list of criteria to be used. This includes one point for Tisbury residency and one for long-term Tisbury residency.

- He noted that this kind of ownership creates a good sense of community. They looked at many examples such as in Boston, Burlington and Lincoln. Since an association has greater control than a landlord or the police, it can enforce regulations very closely. For example, the association could limit the number and size of pets, and enforce leash laws.
- With respect to how the project fits into a rural area, he sees Mayflower Lane as somewhat suburban although there are a lot of trees. (Linda Dewitt noted that there are several farm animals in the surroundings.) Bridge attempted to use an approach that was not urban with extensive preservation of trees and avoiding straight lines.
- With respect to mitigation for the existing neighbors, he noted that two-thirds of the 24-acre site is being preserved; this is a big neighborhood asset. If the project conformed to zoning or was being authorized under a comprehensive permit, it is unlikely that there would be anywhere near as much open space preservation. The landscape architects took great care to site the houses in order to protect the neighbors. They also tried to solve problems. For example, the neighbors have trouble entering State Road because of vegetation on the adjacent property restricting the sight lines. Bridge is prepared to maintain the vegetation to ensure the sight lines of about 500' in each direction are kept clear. They are also prepared to help Mr. Bilzerian by cutting some vegetation.
- Another advantage is that all construction will take place in a 12-14 months period, thereby minimizing the impact on the neighbors of prolonged construction over many years.
- With respect to the possibility of the Land Bank changing its economic position to help the residential part of the project, it took six months to reach the present agreement that is based on the Tisbury Advisory Board's guidelines. Bridge negotiated the best possible arrangement and the Martha's Vineyard Commission couldn't fairly condition them to go back and try to change that.
- With respect to the possibility of getting grants for the water supply, there could be State funds for an expansion of the Town's water system but following their criteria would end up doubling the price. A grant for \$400,000 would end up with a \$800,000 project. The Town Administrator felt it was not worth pursuing.
- There are grants available for housing that is 80% of median income and less. Even if a home rule petition passes that would allow for deed restrictions for units up to 150% median income, this would not change the grants. They have 12 units that are 80% and below median income; with luck and high-priced consultants, they might get some grants, but they might not. However, getting the grants would not decrease the density, and cutting higher cost units also doesn't help the density.
- At the first meeting with the Land Bank Town Advisory Board, Bridge Housing Corp. had four larger buildings but people didn't like the size of the buildings. John Abrams suggested that the neighbors could "buy down" some density, but Bridge Housing Corp. never heard from them.
- With respect to the possibility of spreading affordable housing projects around in smaller clumps, he said that the Vineyard must do both. Bridge Housing Corp. is looking for opportunities for smaller projects. When there are hundreds of people in danger of leaving the island, we all have to work quickly. Other projects such as the one

being proposed in Edgartown and the Housing Authority's rental conversion program are also good projects. The cost of the real estate leads to the present density. It must be remembered that the site has a potential of 104 bedrooms and they are proposing to build only 64. Bridge has been gifted an old parish hall in Oak Bluffs at only a quarter of the market price, but even this project is hard to make viable.

- With respect to the economic and social impact on Tisbury, if half of the people come from Tisbury, this could lead to elimination of 16 substandard units. John Best questioned Brad Austin's suggestion that the project would not overburden the Town since many of the people were already there; these are 32 new families that will need services; there is a Town bylaw that says that in subdivision, only 10% can be built each year, partly to mitigate the impact of the demand on new services, although he said this may be a necessary and acceptable burden in this case. Brad Austin said that some of the accommodation that people will move out of should be condemned. He reminded Commissioners that the Tisbury Planning Board has asserted its support for the project in no uncertain terms.
- With respect to using Town water, this has the advantage of providing for better fire protection, ensures predictable availability of water without being dependent on well water, and for Bridge, has the advantage of being a fixed cost. The possibility of leading to new development could be a concern but it appears that there are no subdividable lots in the stretch of road that will be served by the water line.

## 2.2 Staff report

Christine Flynn distributed and summarized a document on affordable housing:

- HUD and DHCD are the federal and state agencies responsible for overseeing subsidized affordable housing programs.
- Each year the median income thresholds, which are established by HUD, are adjusted for all counties within the US. The median income for a family of four living in Dukes County for 2003 is \$61,100.
- DHCD guidelines consider 80% of the area median income to be moderate income, 50% to be low income, and 30% to be very low income.
- Housing is considered affordable when an individual or family does not pay more than 30% of their gross income on housing (including rent, basic utilities, mortgages, taxes, principle, interest and insurance)
- Generally most banks allow for 28% - 32% of one's income for monthly payments for mortgage, principle, interest, insurance, and taxes, plus all other debt such as car payments or student loans when determining the loan amount to purchase a home. Some banks may go as high as 38%. (Staff used 30% of gross income as an assumption to determine the housing affordability calculation.)
- Referring to staff's hand out, it was emphasized that the housing affordability calculations are not absolute. The assumptions such as the interest rate are important factors to consider when reviewing the formula and calculations.
- The figures of the applicant are pretty consistent with staff.

## 2.3 Public Testimony in Support of the Project

Robert Edmunds is the rector of St. Andrews Church in Edgartown and is part of the Housing Ecumenical Action Team. He addressed the question of whether Bridge Housing Corp. would

follow through. As Clerk of the Works for the Parish House at Saint Andrews, Brad Austin has kept everyone on board. Robert Edmunds knows Ike and Barbara as people of great integrity. He is convinced that on any agreement, they will follow through to the letter. There is a lot of substandard housing in the community and we need to give these people good housing.

Mev Good, thanked Mark London for his report and the Commissioners for their endurance over the years. The people behind this project are there because they have integrity. He has the utmost confidence that it will be completed according to the plans.

Deborah Edmonds, from Edgartown, said that there is a basic principle: if you can't buy the property next to you, you don't get the say as to what happens on it. In Edgartown, many people would have better water views if their neighbors hadn't built on their properties.

Cindy Flanders said that she is the face of people who need affordable housing. They are members of the church, their children are in the schools, they want to be part of the community, to contribute and pay taxes. However, without help, they can't to that.

#### 2.4 Public Testimony With Concerns About The Project

Martin (Skip) Tomassian, represents Ken Bilzerian.

- The issue is not one of integrity, it is a question of whether this is the best place for this project. The Vineyard clearly needs affordable housing,
- The size of the project is 8 acres at 43, 560 sq. ft. = 348,480 sq. ft. Subtracting the Roadside District (200' x 2400' = 84,000 sq. ft.) and the roads (10% = 34,858 sq. ft.) leaves 229,632 sq. ft. At 50,000 sq. ft. per house, this would allow 4.5 lots, say four. To build guest houses, the minimum lot size is 62,500 sq. ft., this would result in 3 lots with 6 houses. He showed a plan with four houses, and an alternative with three main houses and three guesthouses. Compared to this, their plan has a lot of everything.
- On a 2002 assessors map showing neighboring houses, he asked where the water would go. The applicants say they think but are not sure where it goes. Does it go towards the Town's well?
- If Bridge puts in town water, town boards will make people connect to this town water when wells get polluted.
- With respect to the planning process, Bridge Housing Corp. started with six wells with a 200-foot circumference with buildings in a no build zone. The then proposed one well with a 200-foot circumference that didn't even fit onto the property.
- On the site visit, the strings may not have been very visible but the houses will be big and very visible. The question is how will the land feel with all this going on.
- As for sewage, the 64 bedrooms at 880 gallons each per day means about 7,000 gallons per day. {Note: Presumably, he meant 110 gallons each per day.} This is the same as 21,900 feet or four miles of trucks putting sewage into the 8-acre property. It can't hurt the Assembly of God because their water is already polluted and they can't sell the property. People have said that they cannot tell exactly where the water is going. He came yesterday and looked at the Water Resource Development Plan that is being revised. This project is right in the middle with water heading right for the Tisbury well.
- As for traffic, 57 cars is the same number as in the as Cronig's lot. Granted they are

the area. Attorney Kaplan has said that there was a 17-car wait to get out of the subdivision; cars whiz by like crazy and it is hard to get out. He invited people to drive out of the Bilzerian property and to walk across the road. It is hard to believe that more cars would make no difference.

- As for lighting, he doesn't know how much it would light the night sky, but it would be more than with other plans.
- This is a poorly planned trip even if the destination is salutary. We want to go to a place where affordable housing will work for existing and for new owners. This plan maximizes every square foot of the site.
- What is the contingency plan? If this were a private developer, they would be prepared to come back quickly with a plan B. Bridge doesn't have one. Maybe they are paying too much for the property and have to build so densely. However, this is not the Martha's Vineyard Commission's or the neighbor's problem, it is Bridge Housing's problem. There is a lot of guilt and everyone wants to do something but we should not rush into this just to solve the affordable housing problem.

Tom Noble is a hydrologist with Horsley & Whitten, Inc. in Sandwich representing Ken Bilzerian.

- He submitted a letter earlier today outlining concerns that still have not been addressed with respect to density and septage design. The entire project must meet the septic system density restriction of 440 gallons per day per acre. The 64 bedrooms on the 8-acre site equates to a septic system density of 880 gallons per day per acre. The Bridge proposal uses the land going right to the back of the site as credit land, but according to DEP rules, since the property is located in a Nitrogen Sensitive Area, the proposed credit land must be located in the same NSA as the project. Assuming that 40% of the Land Bank parcel falls within Zone II, the amount available for nitrogen credit is 6.4 acres that would reduce the septic system density to about 489 gpd per acre, which is still in excess of the limit. They cannot get credit for denitrification because the facility has a design flow of more than 2,000 gals. per day; therefore, the project doesn't meet Title 5.
- The proposal is now to string leaching fields along the western part of the property to make more room for dilution before getting to private wells. However, a hydrological study has not been done so we can't tell exactly where it will go. Also, there would be mounding of water that would result in some septage going up-gradient, that is towards Mr. Bilzerian's property. His well is only 32' away from the property line. A mass balance analysis would clarify whether there would be mounding. With between 2,000 and 10,000 gallons per day, either DEP or the Town could require a groundwater analysis that would give a better idea.
- If extending the Town's water supply by putting a main along the side of the road main results in cutting more than 5 trees of 14" diameter, the project must go through the MEPA process.
- The Town's groundwater protection district has been recognized as by DEP as meeting 310 CMR 22.21(2). This has same effect as state law that requires a maximum of 15% impervious area. The plan would appear to have a 20% impervious area and would need a waiver.



need a waiver.

- His main concern is that the sewage system is not in conformity with state law.

Doug Sederholm asked about the cost of a site specific mass balance analysis. Tom Noble replied that it would require three monitoring wells, tests, four components, and would cost about \$10,000 to \$20,000. This would include a groundwater monitoring process to ensure ongoing monitoring and early warning. To define where the water is going, it would need three points to define a planar surface.

Megan Ottens-Sargent asked about denitrification and the possibility of an exception to the 440 gallon requirement. Tom Noble said that they could get a groundwater discharge permit based on respecting a nitrogen level limit of 10 mg per liter at the property line but this would require a hydrogeological study.

Megan Ottens-Sargent asked whether the denitrification system would contribute to the plume. Tom Noble said yes, that without denitrification, there would be 35mg per liter, with denitrification, they could get 25 or 19 mg per liter, if they go through the program. One could work out how many pounds per year would come out of the project with a denitrification system compared to without one. Christina Brown said that staff could work out the numbers.

Ellen Kaplan represents Walter Sheble who lives on Deer Hill Road.

- Mr. Sheble has contributed to Bridge Housing Corp. in the past, but his concerns about the proposed density of the project led him to ask her to come to the hearings.
- The fundamental principle of 40B is to meet local needs, but it has not met this target. The numbers are not accurate. The project should protect the health and safety of the occupants and of residents of the Town and the entire island.
- The proposal is for 32 structures in an area where the existing feel, houses and space, make it a rural environment.
- She can't imagine 60 cars sharing a single loop road and a single entrance that is also shared with the Bilzerians.
- All the people on Deer Hill Road wait in line to get out. This is same road where, with the Tisbury Fuel Service project, the Martha's Vineyard Commission said that it is overly congested. It is a failed road now. The road will be congested and dangerous as cars accelerate to get up the hill. There will be lots of children, bicycles, and animals; this is setting up for a disaster. The reopening of the Scottish Bakehouse and the two churches also add to the traffic. It is always an incremental change but at some time we have to stop and ask what the overall impact is.
- At the first Public Hearing, the applicant presented a plan for water and septage that didn't comply with State and local requirements. It was a consultant hired by a neighbor that that showed there were grave concerns before the applicants realized that they would have to spend several hundred thousand dollars. They had earlier said that having 32 houses was critical to the finances and now have to absorb this additional expense so concerns about the economic fragility of the project are suspect.
- With respect to saying that they are getting a bargain price for the purchase of the property, if under current zoning they could get four houses with guest houses, the value would be about \$1 million out of which they would have to subtract the

- This project is not good for the residents, the numbers just don't work, it is a very large project. The developer is counting on someone else to take over and manage the project after it is built. This is not a winning situation; it is set up to be a poor development.

Jonathan Castle said that he appreciates the hard work of the Bridge Housing Corp. group and thanks the Commissioners for their time. Most of the issues he raised in the letter he submitted at the beginning of the process have been discussed but many have not been resolved. The traffic studies are incomplete, the car count is low; there should be a restriction on through access to other land. The density is high. Using town water means that people could be required to hook up to town water in the future. If the enhanced sewerage system is not maintained. It could affect other wells. How does Bridge Housing Corp. know this project will be well-managed and maintained in the future. As for financial credibility, in his opinion, Bridge is paying a lot for the land and has underestimated costs; what if they cannot complete the project as specified? Can there be a bond? If this gets built, it needs to be a pleasing and functional neighborhood. If this cannot be guaranteed, he is against the proposal as it currently stands.

Helen Cook read a statement for Janet Woodcock, who had attended all previous session the Public Hearings. This project would create an urban setting in rural area. Even with latest septic systems, the wastewater is a concern. The proposal for 1.5 parking spaces per unit is not enough, the cars will end up parking on grassy areas that are part of the groundwater recharge system. Since there is not enough room for wells, they are going to use the town water system. The night sky is a reason for living in the country and even with low lighting, this project will create a lot of light at night. It is impossible that the project would not be noisy. They don't like being put into a confrontational situation. It is proposed that the Hearing be postponed and the plan reconfigured with the cooperation of the neighbors.

Christina Kingsbury Henshaw lives across the street from the proposed development.

- She asks Martha's Vineyard Commission to reject the application in its present form. If a private developer were applying, would such a dense development with such inherent flaws win the Commission's approval? The road to hell is paved with good intentions and here, hell will consist of overcrowding, noise, traffic, light pollution, destruction of the character of a settled, woodsy neighborhood, contaminated wells, obliteration of the roadside landscape as town water is brought in, and a generally poor quality of life for everyone.
- The aim of 40B was to stimulate the creation of affordable housing by allowing developers to bypass zoning until 10% of the housing in a town is affordable. Many communities are seeing conflicts with 40B. There are 70 bills seeking to change 40B and in February, Governor Romney set up a task force to suggest changes to the law.
- It is distressing that one newspaper referred to the neighbors as anti-affordable housing. Bridge has never approached the abutters.
- This project is too dense for the proposed space; it would create an urban center that would destroy the pastoral quality of life in the neighborhood. The wells are threatened with contamination from a nitrate plume. There should be more than 1.5 parking spaces per house. The extension of the water main should ensure that no trees are cut and the roots are not damaged. She is concerned about the impact of external lighting on the night sky as well as the noise.
- She feels that the density of the project needs to be drastically reduced. The Hearing should be postponed and the plan reconfigured with the participation of the neighbors.

Juleann VanBelle said it is awkward for her to intervene since she is dedicated to affordable housing and the people from Bridge are dedicated and bold and have brought forward a courageous proposal; however, she is worried about viability.

- She distributed a handout of financial scenarios that also outlines the financial implications for household.
- She knows of no affordable housing project created without subsidies. Even with resident home site projects benefiting from a gift of land, they have had to raise the income limit to 100% of median income. Other projects have benefited from subsidies in terms of land and grants. The Pennywise Path project is a \$9.5 million project including rental and ownership; although the land is free, there is a \$1.5 million shortfall.
- Here the density is the subsidy being provided by the neighborhood. There is a need for density in creating affordable housing but we can't expect one single-family neighborhood to bear it all. There needs to be a balance between what is in the project and what is around it in the neighborhood.
- She feels that Bridge's affordability figures are pretty accurate for the income levels, but that the figures for the lower percentage of income levels are too high.
- She distributed a second handout that dealt with take-home pay. At the 60% median, someone would earn \$16 per hour; after taking out housing costs, they would have \$334 to live on; how will they meet their other needs. At 120% of median, they only bring home \$8000 a year more. The notion of using 30% of gross income for housing is not a good policy but this is not Bridges fault. This is one of the largest housing developments on Vineyard in a decade and the Martha's Vineyard Commission must ensure its ongoing viability. The deed restrictions limit equity and also make the owners pay 30% of their income so they are being hammered at both ends. This is a public policy issue.

Eric Peters is a Tisbury resident specializing in land use law. No one would be here without some development, not even the people on Deer Hill Road or the others in the neighborhood. If the Norton's hadn't held onto the land for so long, there may well have been 18 house lots here. He can't address the septic issue but he does know development and, as a Tisbury and Island resident, he thinks this is a good project. It is essential to factor in the Land Bank property when comparing the project's density and impact. Bridge has dealt with land use and design issues better than almost anyone else coming before The Martha's Vineyard Commission.

Richard Toole noted that the applicant is not coming with an alternative plan and wondered whether it is worth continuing. Mark London said that we must continue at least until there has been a plan submitted that addresses the legal questions about septage.

Christina Brown continued the Hearing until April 10, 2003. The next Hearing will be made up of the applicant's and staff's replies to the questions raised so far as well as commissioner's questions. Tristan Israel suggested that Commissioners submit questions to Jennifer Rand in advance so she can forward them to the applicant.

### 3. COTRELL (DRI No. 562) - WRITTEN DECISION

*Commissioners Present: J. Athearn, J. Best, C. Brown, L. DeWitt, J. Greene, T. Israel, K. Newman, M. Ottens-Sargent, D. Sederholm, R. Toole, A. Schweikert, L. Sibley, P. Strauss, A. Woodruff.*

*Tristan Israel moved and it was duly seconded that the draft written decision be adopted.*

John Best questioned the wording of the offer on affordable housing. Jennifer Rand pointed out that there was never a written condition but that the applicant's offer was to waive a fee equivalent to \$2000 for the person who received the house formerly on the site. John Best said that this may not be an affordable candidate and there is a lesson to be learned with respect to the wording of decisions in the future. He also noted that there would be an apartment in the project that might be affordable.

*Tristan Israel moved and it was duly seconded to amend the written decision to delete sections 3 and 3a. Voice vote. In favor: 8. Opposed: 0. Abstentions: 4. The motion to amend the written decision carried.*

There was discussion on whether to reconsider the previous meeting's vote approving this project in order to reconsider the affordable housing issue. It was pointed out that there was no testimony about housing, so this hearing would have to be reopened. Linda Sibley argued against reconsideration of the whole decision just to change the affordability condition. This wasn't a big project and this isn't a big problem; let's move on and do better next time.

*Roll call vote on the motion to adopt the written decision. In favor: J. Athearn, J. Best, C. Brown, L. DeWitt, T. Israel, K. Newman, D. Sederholm, A. Schweikert, L. Sibley, A. Woodruff. Opposed: M. Ottens-Sargent. Abstentions: J. Greene, P. Strauss, R. Toole. The motion to approve the written decision carried.*

#### 4. UPCOMING LUPC MEETINGS AND SITE VISITS

The LUPC meeting on Monday, March 24, 2003, will deal with the Islander building. There are no site visits planned.

#### 5. ONGOING LITIGATION

Jim Athearn said that the Executive Director and he had been approached by a selectman to discuss the ongoing litigation with respect to the Down Island Golf Course.

*Linda Sibley moved and it was duly seconded to go into to Executive Session for the purposes of discussing litigation and not to go back to open session. Roll call vote. In favor: J. Athearn, J. Best, C. Brown, L. DeWitt, J. Greene, T. Israel, K. Newman, M. Ottens-Sargent, A. Schweikert, D. Sederholm, L. Sibley, P. Strauss, R. Toole, A. Woodruff. Opposed: 0. Abstentions: 0. The motion to go into Executive Session carried.*

The open session of the meeting ended at 10:43 p.m.

James A. Alban  
Chairman

July 10, 2003  
Date

Jan P. Keane  
Clerk-Treasurer

7/21/03  
Date