

THE MARTHA'S VINEYARD COMMISSION

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Minutes of the Special Meeting of May 22, 2003

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

IN ATTENDANCE

Commissioners: James A. 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), Deborah Moore (Elected – Aquinnah), Katherine Newman (Appointed – Aquinnah), Megan Ottens-Sargent (Elected – Aquinnah), Robert E. Schwartz, (Appointed - West Tisbury), Alan Schweikert, (Appointed – Oak Bluffs), Doug Sederholm (Elected – Chilmark); Linda Sibley, (Elected – West Tisbury), Paul Strauss (Appointed- County); Richard Toole (Elected – Oak Bluffs); Andrew Woodruff (Elected -West Tisbury)

Staff: Mark London (Executive Director), Christine Flynn (Regional Planner), Bill Wilcox (Water Resources Planner), Bill Veno (Regional Planner), David Wessling (Transportation Planner).

There being a quorum present, James A. Athearn, Chair, opened the Commission Meeting at 7:44 p.m.

Jane A. Greene was present, but left since she cannot participate in the two DRI discussions and votes.

1. MINUTES OF PREVIOUS MEETINGS

The minutes of the meeting of May 15, 2003 were distributed. The adoption of previous minutes will be discussed at the next meeting. Future agendas should indicate which minutes are to be adopted.

2. ISLAND ELDERLY HOUSING (DRI No. 564) – DISCUSSION AND VOTE

Commissioners present: J. Athearn, J. Best, C. Brown, L. DeWitt, T. Israel, D. Moore, K. Newman, D. Sederholm, R. Schwartz, L. Sibley, P. Strauss, R. Toole

Christina Brown gave a report from the LUPC meeting of May 22, 2003 and read the possible conditions that follow as proposed by the LUPC and distributed to Commissioners.

1. A BioClere or equivalent wastewater treatment system shall be utilized to assure the nitrogen loading for the entire site comprised of Hillside I, Hillside II and Hillside III does not exceed the present loading level of 19.6 kg per acre per year. It is recommended to the Board of Health that it require the installation of a nitrogen reduction upgrade, should there be any failure of the septic system on the other parts of the campus.
2. The building shall be sited according to the plan labeled "Building Relocation Plan ", as submitted on May 12, 2003, indicating that the building shall be located 10' closer to the interior road.
3. The Buildings known as Building "B", "C", "D", "E", & "F" in Hillside I & II shall be required to exit via the Hillside II exit to Edgartown-Vineyard Haven Road. Signage to this effect shall be posted on site and in those buildings.
4. The one-way section of internal roadway may now be used as a two-way at the discretion of the Hillside management.
5. The parking may be relocated within the immediate vicinity of the building, at the discretion of the applicant.
6. The applicant is not required to construct the dormer at the rear of the building.
7. The applicant shall provide the amount of landscaping shown on the plan submitted to the Commission on May 1, 2003. The planting locations shall be altered to create a denser vegetative screen atop the graded slope rather than on the slope itself.
8. A fence shall be constructed at a point located between the top of the graded slope and the property line.
9. The front building entry doors and the door to the handicap unit shall be remote button-activated.
10. All common rooms shall be air-conditioned, to compensate for the limited cross ventilation, and all living units shall be designed to accommodate air-conditioning units.

That the bathroom and kitchen in the handicap unit are to be equipped with infrared heat-sensitive faucets.

The following corrections were made:

- Condition 1 should read the site "comprised of Hillside I and Hillside III" deleting the reference to Hillside II,

- Condition 3 should say " "F" and the Hillside II building "
- Condition 7 should have added that the landscaping plan is to be approved by the MVC Executive Director.

Linda Sibley noted that the present nitrogen loading level of Hillside I already exceeds the SA standard and that subdividing the land reduces the area of Hillside I so that the nitrogen loading will increase the degree of non-conformity. This project application includes the subdivision of the property to allow for the construction of Hillside III; this subdivision should be subject to a requirement that the overall nitrogen loading is not greater than it is now.

John Best suggested that the proposed wastewater reduction plan be subject to review by the MVC water resources planner.

Tristan Israel suggested that there be a condition asking, where possible, that delivery trucks and caregivers use the Hillside II exit.

Linda Sibley said that for condition 3, it should say "instructed" rather than "required". Tristan Israel would prefer keeping the word required, to minimize the impact on the neighbors.

Linda Sibley moved and it was duly seconded that the word be changed to "instructed". Voice vote. Voice vote: In favor: 10. Opposed: 1. Abstentions: 1. The motion carried.

Christina Brown moved and it was duly seconded to change condition 3 to append after words "in those buildings": "delivery, caregivers and other visitors will be so notified". Voice vote. In favor: 12. Opposed: 0. Abstentions: 0. The motion carried.

Linda Sibley moved and it was duly seconded that the proposal be approved with the above conditions.

- Tristan Israel said that even though it was a good housing project, it was totally appropriate that the Martha's Vineyard Commission took the necessary time to deal with the density, water and other issues; it was the right thing to do. Jim Athearn echoed the comment.

Roll call vote. In favor: J. Athearn, J. Best, C. Brown, L. DeWitt, T. Israel, D. Moore, K. Newman, D. Sederholm, R. Schwartz, L. Sibley, P. Strauss, R. Toole. Opposed: None. Abstentions: None. The motion carried.

It was 8:12 p.m.

3. BRIDGE HOUSING (DRI No. 564) – DISCUSSION AND VOTE

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

Christina Brown reported that LUPC had done a systematic review of the project based on Sections 14 and 15 of Chapter 831, the weighing of benefits and detriments. She read the summary table based on the three LUPC meetings of May 12, 15 and 19, 2003, reviewing this project.

IS ESSENTIAL IN VIEW OF THE ALTERNATIVES

Benefits

- Given the great need for affordable housing on the Vineyard, the use is essential.
- This location can be considered essential in that there are few available locations for this type of use, especially because of high Vineyard land prices.
- The benefits of this proposal would be greater and the impact would be similar to alternative uses such as all market housing or a 40B project where only 25% of the housing was affordable.
- The project allows permanent preservation of and public access to two-thirds of the property.
- Choosing this location, near a road and public transportation, reduces the need to build additional roads and would favor use of transit.

Detriments

- The project extends suburbia and eliminates the rural area for the part of the site to be developed.
- The concentration of development on one part of the site creates a density that exacerbates its integration into the surrounding pattern of development.
- Bringing the water main down State Road increases the possibility of development along the road up to or beyond the project area.

Comments from LUPC

- There is a concern that if the project ends up seeming out of character in such a visible location, it might undermine the possibility of achieving other similar affordable housing projects in the future.

Additional Comments

- Linda Sibley added that the question is whether it is essential in this location. It does not extend suburbia but creates a suburban type development in that all the houses are alike. Even if the Commission approves the project, it must consider that this is a change in the character of the area. Alan Schweikert noted that the houses have different styles and prices. Linda Sibley said they would be more similar than if each owner had built their own house. Tristan Israel noted that Mayflower Lane is also a different type of project with similar designs; that project is well done but he feels it is suburban.

ENVIRONMENT

Wastewater

Comment

- The provision of leaching fields extended along much of the west side of the property adequately deals with wastewater concerns (provided observation and monitoring wells confirm the direction of flow and ongoing water quality).

Open Space, Natural Community and Habitat

Benefit

- About two-thirds of the property will be preserved in perpetuity and will be open to everyone in conjunction with the adjacent Land Bank property.

Detriment

- The lower third of the property, presently rural woodland will be developed.

Comments from LUPC

- The Land Bank is financing the acquisition of their portion of the property.

Additional Comments

- Mark London said that the fact that the Land Bank money is used to purchase part of the land should be a comment in that it is both a benefit (their financial contribution partially underwrites the cost of the project compared to if the developer had to contribute the conservation land at no cost) and a detriment (uses public money to purchase).
- Tristan Israel noted that the high cost of land forces a higher density. In the future, Tisbury could determine what town land may not be needed for town purposes and thereby could make land available for free.
- Andrew Woodruff said that this project is subsidizing the Land Bank by paying more per acre and this results in higher density.

Night Lighting and Noise

Detriment

- The presence of the new residents will undoubtedly result in noise that will impact the abutters.

Comment

- The lighting scheme is modest, compared to a development under existing zoning, in that there will only be lights by the door and no other outdoor lighting.

PERSONS AND PROPERTY

Traffic and Transportation

Detriments

- The project will add to traffic on State Road. However, the impact will be less than had the project been located on in areas of greater traffic congestion.
- The traffic delay for the abutter exiting this access road will be increased.

Additional comments

- Andrew Woodruff said that any cluster housing would be scrutinized by neighbors and the Commission. The question is whether this is appropriate density. Tristan Israel questioned whether the impact is less here than in a more crowded area because it will still burden the State Road corridor and will increase the delay.
- Linda Sibley said that this is a more dangerous stretch of State Road than some because of sight lines and the hill. The MVC should talk to MassHighway about lowering the speed limit.

Scenic Values

Detriments

- The project will be visible from State Road and the ancient way (Red Coat Hill Road) although this impact has been considerably mitigated since the buildings were relocated away from the two roads.

Character and Identity

Detriment

- This will create an almost urban neighborhood in a rural area with about a hundred people on a small piece of property

Comments from LUPC

- Andrew Woodruff wondered whether the layout could be further clustered to mitigate the impact on neighbors.
- Katherine Newman noted the large amount of parking in the central area and suggested that there would be a better sense of community if the roads and parking were on the outside; however, other Commissioners noted that this would require more roads, would impinge on the buffer area adjacent to the abutters, and the roads and lighting would have a greater impact on the neighbors.

Impact on Abutters

Benefit

- Those abutting the upper two thirds of the property will have the natural character of the site preserved forever.

Detriment

- This project will have a much greater impact on the abutters facing the lower third of the property than if the site had been developed under traditional zoning. However, if the property were developed as market housing, the rural quality would be lost and neighbors would have noise and light anyway.

Comment from LUPC

- Neighbors will always have a concern with the creation of cluster housing. If all rural areas of the Island were eliminated for this kind of project, it would be difficult to find a place to build this kind of project.

Additional Comments

- Megan Ottens-Sargent said that piping town water is a benefit to neighbors because of the possibility of connecting to town water; however, extending the water line increases the cost of the project that increases the density of the project; and if there is the damage to the trees. Jim Athearn recalled that Bridge has said that the cost of town water was less than wells. Mark London recalled that DEP had said that it would not accept wells.
- Andrew Woodruff said it doesn't make sense to bring in town water and then have to pump out effluent. It would be costly to do so. According to Bill Wilcox, wells could be placed to meet the DEP protective radius.
- Linda Sibley said that a negative impact is the probable impact on some trees of bringing in town water, notwithstanding efforts to preserve them.
- Megan Ottens-Sargent said it is a narrow, long lot. If it were not configured as it is, the well issue could have been different.

SUPPLY OF NEEDED LOW AND MODERATE INCOME HOUSING

Benefits

- Will create 30 units of affordable housing.
- Although it is desirable to achieve affordable housing in a variety of ways, there will not be many opportunities to create small, infill projects for financial and administrative reasons. In order to meet the need for affordable housing, there will have to be a mixture of housing types and sites, including larger scale projects such as this one.
- The higher density is justified because the project is 100% affordable and it is necessary for the financial viability of the project.
- There is broad range of income levels with some higher income, but still affordable, households. This makes it a more mixed income project and ensures that the economics of the project are more viable.
- This project will help preserve a sense of community on the Vineyard in that there will be year-round families, and it will give some people who have grown up here the chance to stay.

- Families at the lower tiers of the proposed income levels will pay considerably lower housing costs than they do presently.
- Bridge is committed to do fund-raising if necessary to cover any deficit.

Comments from LUPC

- The association rules appear to be designed to have the community work well in the future.
- Andrew Woodruff noted that if the owner or the Land Bank had contributed more financially, the density could have been lower.

Additional Comments

- There were concerns about the ongoing operations of the association.
- John Best said that since all the houses are affordable, there is less diversity than a project that included some market housing.
- Megan Ottens-Sargent asked for a reference point of the highest priced housing in the 120%-140% range and was advised that it was approximately \$295,000. She felt that this was reasonable and affordable for the Vineyard.

IMPACT ON SERVICES AND BURDEN ON TAXPAYERS

Benefits

- The extension of the water line would help with fire protection.
- It could make housing available to public employees and public servants.

CONSISTENCY WITH, OR ABILITY TO ACHIEVE, TOWN, COUNTY, STATE PLANS AND OBJECTIVES

Benefits

- The project is consistent with town, county and state objectives.
- The project meets some of the housing goals of the Island Regional Plan.

Detriments

- However, it could be considered inconsistent with the Island Plan's policies on suburbia.

CONFORMS TO ZONING

Detriments

- The project is not consistent with zoning but this is needed "to secure adequate opportunities for housing" as per Chapter 831.

CONFORMS TO DCPC REGULATIONS

Benefits

- The project is consistent with the letter and the spirit of the Island Roads DCPC.

Jim Athearn recessed the meeting from 9:12 p.m. to 9:19 p.m.

John Best moved and it was duly seconded that the project be approved as conditioned.

Mark London noted that LUPC had discussed the possible condition of there being no paved bus lay-by because of its impact on the Island Road District.

Tristan Israel said that the Commission has to deal with bus stop across the street. Andrew Woodruff said he is concerned about the safety of people crossing the road although this is a problem for any development on the island.

Linda Sibley suggested that there be a crosswalk and that the speed limit be changed. The bus pull off should not be developed unless absolutely necessary, as it impairs the rural quality. There should ideally be a shelter on the other side of the road as well, and bus drivers should be instructed to look to see if people are waiting on the opposite side. John Best said a crosswalk could be problematic since it is hard to get people to stop even in a 20 mph zone.

Andrew Woodruff moved and it was duly seconded that there not be a pull-off apron for buses.

- Andrew Woodruff said that the proliferation of pull-offs and shelters is a regional concern and should be discussed with the VTA.
- Tristan Israel noted that encouraging people to take buses is a good mitigation for the traffic.

Voice vote. In favor: 11. Opposed: 0. Abstentions: 0. The motion carried.

Tristan Israel moved and it was duly seconded that the VTA could be encouraged to make it easy to use public transit and to improve safety by driving into the project.

Voice vote. In favor: 11. Opposed: 0. Abstentions: 0. The motion carried.

Katherine Newman raised the issue of the formation of the creation of the coop association. Three organizations had been mentioned as possible consultants to could help set up the association. It would be preferable that it be a Vineyard consultant. Christina Brown clarified that the DCHA would be involved in monitoring the 40B requirements, but not the creation of the association. Jennifer Rand noted that it should be called an owners association since it is not clear whether it will be a coop or a condo.

Bob Chidsey clarified that they will be using a consulting organization that will work with the coop association for 6 to 12 months to ensure that the association works well. There is no such consulting organization on the Vineyard. They feel that this is a matter of primary concern.

Tristan Israel agreed with the applicant that this is the most important part of the project.

Linda DeWitt suggested that, in the future, it might be useful if the MVC were in a position to recommend consultants in this field.

Alan Schweikert said that the important thing is that the association be monitored in the longer term to ensure that it is operating well. Jennifer Rand asked what criteria could be used to determine how well it is working and noted that it would be difficult to enforce. Jim Athearn suggested that there could at least be a regular reporting to the MVC so that the public would be made aware of any impending problems.

Alan Schweikert moved and it was duly seconded that there be an annual reporting to the MVC about the ongoing operation of the association including the names of the officers and minutes of their annual meeting. Voice vote. In favor: 11. Opposed: 0. Abstentions: 0. The motion carried.

Tristan Israel said that enforcement is up to the towns and the MVC is like an overlay.

Linda Sibley noted that there had been a question as to whether this project was an actual 40B. It was noted that the Martha's Vineyard Commission reviewed this project under Chapter 831, not under 40B regulations that are up to the town to enforce.

Tristan Israel said that in order for Tisbury to get credit towards its affordable housing target, it must be officially overseen and recognized. Most of the units could count to this target. It could be considered a benefit of the project.

Megan Ottens-Sargent noted that, in order for this project to go forward under Tisbury by-laws, it would have to be a 40B.

John Best said that if it is a coop, it would appear that all units would count for all of the town's target of affordable housing although this has not been confirmed yet.

Tristan Israel suggested that Bridge Housing Corp. should pursue a legal formula so that all units would count towards Tisbury's affordable housing target. Christine Flynn said that only those units for families earning less than 80% of the area median income would be counted towards the 10% target, unless the whole project is considered the equivalent of a rental project in which case, all units would be counted towards the Chapter 40B Housing Inventory.

Tristan Israel said that he did not feel that counting only 25% for towards the affordable housing target would not be acceptable for Tisbury since the percentage gain would be marginal.

John Best said the Commission could require that they must pursue a process whereby the entire project would be qualified for housing certification, namely a coop. However, he sees enough benefits from the project that he would vote for this anyway.

John Best moved and it was duly seconded that Bridge Housing be required to pursue the coop model order to maximize the probability of the state certifying the entire project for the Town of Tisbury's Chapter 40B Inventory, unless it can be demonstrated in writing to the MVC that they were denied financing by a bank because of the coop status of the project or the state deems that coop housing would not qualify for 100% certification. Voice vote. In favor: 11. Opposed: 0. The motion carried.

Tristan Israel moved and it was duly seconded that the discussion be continued until the next meeting, to be held next week. Voice vote. In favor: 11. Opposed: 0. Abstentions: 0. The motion carried.

4. TISBURY WHARF (DRI No. 565) – APPROVAL OF WRITTEN DECISION

Commissioners present: J. Athearn, J. Best, C. Brown, L. DeWitt, T. Israel, K. Newman, D. Sederholm, L. Sibley, P. Strauss, R. Toole, A. Woodruff.

Christina Brown moved and it was duly seconded that the written decision be approved as drafted. Roll call vote. In favor: J. Athearn, J. Best, C. Brown, L. DeWitt, T. Israel, K. Newman, D. Sederholm, L. Sibley, P. Strauss, R. Toole, A. Woodruff. Opposed: None. Abstentions: None. The motion carried.

5. AT&T (DRI No. 561) – APPROVAL OF WRITTEN DECISION

Commissioners present: J. Best, C. Brown, L. DeWitt, T. Israel, K. Newman, D. Sederholm, L. Sibley, P. Strauss, R. Toole, A. Woodruff.

Doug Sederholm moved and it was duly seconded that the written decision be approved as written with conditions.

- The written conditions should say "no greater than 70' above existing grade."
- Page 4 section C should say "upon the granting of a dimensional variance".
- It should read "The proposed location, as conditioned, is consistent."

Roll call vote. In favor: J. Best, C. Brown, L. DeWitt, T. Israel, K. Newman, D. Sederholm, L. Sibley, P. Strauss, R. Toole, A. Woodruff. Opposed: None. Abstentions: None. The motion carried.

6. UPCOMING LUPC MEETINGS

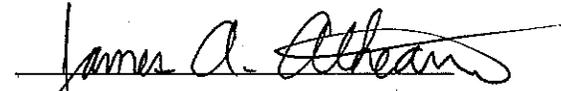
June 2 – Pre-Public Hearing Review of Woodside Village VI, (DRI No. 568), and Pre-Public Hearing Review of Aidylberg II, (DRI No. 569), both projects of the Town of Oak Bluffs.

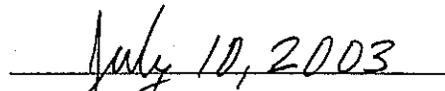
June 9 – Concurrence review and Pre-Public Hearing for Humphrey's (DRI No. 570), Town of Tisbury; Pre-Public Hearing Robert H. Goldborough, Jr. Trustee of STARJ REALTY TRUST, (DRI No. 489-3) Town of Tisbury; and, Concurrence review and Pre-Public Hearing for Fiesta Mexicana.

7. OTHER BUSINESS

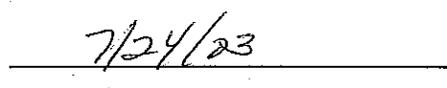
Jim Athearn noted that he was signing a letter to Senator Robert O'Leary and Representative Eric Turkington thanking them for their concerns about the future of the Commission.

The Meeting adjourned at 10:42 p.m.


Chairman


Date


Clerk-Treasurer


Date