Minutes of the Special Meeting of October 2, 2003

Held at the Whaling Church
89 Main Street, Edgartown, MA

IN ATTENDANCE


Staff: Mark London (Executive Director), Jennifer Rand (DRI Coordinator), David Wessling (Transportation Planner), Bill Wilcox (Water Resources Planner), Bill Veno, (Comprehensive Planner, Trails & Byways), Christine Flynn (Regional Planner)

1. JENNEY LANE (DRI No 573) – REOPENED PUBLIC HEARING

Christina Brown recused herself from this discussion and left the meeting room.


There being a quorum present, Richard Toole, Hearing Officer, opened the Meeting at 7:42 p.m.

Richard Toole said that the hearing was reopened because there had been a modification near the end of the last hearing and people requested the opportunity to comment on it. The purpose of this meeting was primarily to discuss the change in access since the other issues had already been discussed at the two previous public hearings. After some discussion of the point by an audience member that the public notice in the newspaper was not similarly restrictive, Mr. Toole agreed to allow new testimony on any relevant aspect of the project not heard before.

1.1 Applicant’s Presentation

John Abrams noted the following.
This is the seventh meeting on the project, to which the public has been invited. There were two with the neighbors, a public hearing by the Edgartown Planning Board, and this is the third by the MVC.

He explained the new plan. What had been a path through the property is now a road. There will be a path to Fisher Road giving [non-vehicular] access to the playground and emergency access with a crash gate. The surface could be what the Commission desires, if feasible.

The Attorney General has approved the by-law changes that will allow Edgartown to approve this project without using the stick of 40B.

The people of the neighborhood have not been happy about not being provided with sewer service. There is now a proposal to sewer the entire area.

Both Island Affordable Housing Fund and Habitat for Humanity have come to an agreement that will allow one of the units to be built by Habitat for Humanity, thus serving a family of even lower income than otherwise possible by IAHF.

Whenever one proposes an affordable housing project, there is a reaction with respect to concerns about traffic and impacts on property values. We all feel that we need affordable housing but if there is really a need, there is the need to look at scale.

This is a small project, high quality, an excellent location and the impacts are minor in comparison with the benefits.

It is the first 100% affordable housing project. It solves problems with the Fisher Road apartments, provides the highest quality housing for people who need it, is located within walking distance of services, is a model of energy conservation, and it is supported by town boards and by most of the neighborhood and abutters. The Applicants did not come with a maxed-out plan to be able to reduce it later; this is a good plan.

The Applicants are disappointed that they didn't get access to Fisher Road. It may come in the future or may not. They think that the 6' fence surrounding the project is not good design, but it is something they can do for the neighbors who have requested it. The neighbors asked for there to be access via Main Street, and that is something the Applicants cannot do.

Sewers were a concern and they have worked with the town to bring sewer service, including providing funds.

Gasoline delivery trucks were a problem driving through the neighborhood; the Applicants spoke to town officials and to the owners of the gas station, and that problem has been resolved.

People wanted to move a power pole and the Applicants talked to NStar, who agreed to move it.

The Applicants have done every thing they can do. He has looked at the letters received since the last hearing and has seen no new information but the same well-founded concerns. There is misinformation. He also saw accusations and character assassinations that affect the Jenneys, who have become disillusioned.

They had a Purchase and Sales agreement that was to expire in September. The Jenneys have agreed to extend the Purchase and Sales. Without this project, the neighborhood could face something a lot worse. If developed by a private developer, there would not be 1,200 square foot houses. This is prime real estate.

He mentioned someone who was under the misapprehension that the project was for apartment buildings.

He read an excerpt from a September article in the Vineyard Gazette about the fact that the neighborhood was changing from year-round residences to seasonal residents.
There are problems here as in every neighborhood such as traffic. The impact of this project will be less than the impacts of the real estate market.

- He summarized traffic consultant Andy Grant’s comments on the three concerns related to traffic:
  - Comments concerned the consideration of the Pine Street / Main Street intersection as a three-legged rather than a four-legged intersection. The offset is too great to consider it a single 4-way intersection. The level of service calculations are not designed for this arrangement.
  - Comments concerned the alternative scenario of using only Pine Street as access. The average delay for a left turn from Pine Street is 31 seconds, at level of service B. The difference would be an increase of 2.2 seconds, with the level of service remaining the same. The impact on the street would be minimal. During peak hour conditions, not all traffic would go through the Pine Street / Main Street intersection. Drivers may use Curtis Lane and Fisher Road.
  - With respect to the proposal by others of creating a new access through the Jenney’s property, this is not an option on the table. Edgartown’s Main Street plan and MVC transportation planning policies call for minimizing curb cuts.

- If the people on Pine Street are concerned about the minimal increase of traffic on Pine Street, they should support the efforts to take Fisher Road.
- Remarkably few people have opposed the project, only 20 out of about 100 households signed the petition in opposition to the project. It is easier to assemble those who are against a project than in favor. He noted neighbors in favor of the project. Al Noyes and Gloria Jeffers didn’t sign the petition. Gloria Jeffers told him “tell them I’m all for it”. He read an excerpt from a letter from Connie Kammer in support of the project. Connie Kammer did not sign the petition. He noted that most people speaking against it are not right near the project site. The people along 75% of the perimeter are in favor of the project.
- There are traffic and other problems in this and other neighborhoods, this project will not solve them, nor make them much worse.

1.2 Staff Reports

Jennifer Rand reported on several letters, two from the town.
- The Board of Selectmen said that they will take up the request to take Fisher Road in January.
- The Selectmen forwarded a letter from Chief Condlin, saying that he was concerned about the increased traffic on Pine Street, but will defer opinion on the impacts to the MVC.
- There are several letters from neighbors, concerned about noise, density, traffic, and parking on the perimeter of the site. Many expressed support for sewerage and for a housing preference for town employees.
- A letter from Habitat for Humanity confirming their participation. They will build a house, addressing the needs of a family earning 30-65% of the Island’s median income.
- A letter of support from Robert Wheeler, Senior Loan Officer at Dukes County Savings Bank, who also sits on the Board of Directors of Island Affordable Housing.

David Wessling
- Quoted from Andy Grant’s report “In other words, the traffic impact is not significant at the [Pine Street] intersection.”
- Noted Chief Condlin’s comments.
• Noted a study by MS Transportation Systems commissioned by neighbors that is a thorough analysis of Andy Grant’s report. It suggests a consideration of wider mitigation measures.

In response to several questions from Commissioners, David Wessling noted
• The consultant for the neighbors considers that it is a four-way intersection and therefore it is already a failed intersection in the summer, and would still be failed if the project were built. The report did not quantify the increase in delay time.
• The report suggests more responsible mitigation efforts, such as improving the sight distance at the intersection of Pine Street and Upper Main Street, or widening the project’s internal road so that owners and their guests could park in front of their houses. The consultant noted the narrowness of Pine Street and its sidewalk.
• In response to a question from Tristan Israel about what the impact of the density would be on the traffic concerns, he said that density is not really the issue. With ten houses generating 12 trips per day, it is possible to mitigate that amount of traffic.

1.3 Commissioners Questions to the Applicant

John Abrams provided the following responses to Commissioner questions.
• The surface of the proposed path to the existing apartments could be grassy or hard-surfaced, depending on MVC conditions and the desires of the housing authority. It would provide emergency vehicular access, with a crash gate.
• They would move the parking and move two houses closer to Pine Street, as shown on an alternative plan, if that’s what the MVC wanted. He doesn’t believe that moving the parking in front of each house is as good a plan as the one the Applicants have proposed.
• There is a drivable path around the interior. When anyone parks in the middle of any road, it is difficult for emergency vehicles to pass.
• The advantage of having clustered parking is that using a small amount of land for pavement allows more land to be used for green open space. Instead of a place designed for cars, it is designed for humans.
• Tristan Israel asked whether there would be room for boats. John Abrams said that this is a downtown neighborhood and maybe not the best place to store boats, but there is room. It would be up to the homeowners association to set the rules. The Commission has been provided the mandatory rules such as requiring minimal down lighting. However, other issues would be up to the homeowners.

1.4 Public Officials

There was no testimony by public officials.

1.5 Public Testimony in favor of the proposal.

Helen Palmer has lived in the Fisher Road apartments since they opened. It is a great neighborhood. She has raised her children there. She will have to leave the island unless she finds affordable housing. People raise concerns about issues such as trash. By creating pride of ownership, the residents will take good care of the property.
Fred Morgan, Jr. served the town for 31 years. He has been confronted by many issues but none is more critical than affordable housing. Every bit is needed. Since they started building the new Edgartown School, the town lost 140 students because of people leaving the island. He has made it a point to go back and forth on Pine and Curtis several times every day and rarely sees more than one or two vehicles. The traffic impact of this project would be minimal. The traffic from the businesses on Main Street should be discounted. There are many seasonal houses. We have to overcome these obstacles.

Richard Leonard lives in West Tisbury and works for the Martha's Vineyard Cooperative Bank. The island is losing people. When Island Cohousing was built, people raised the same concerns. It was 16 units of housing, only four affordable, and a business with 12 employees. Since it was completed, there have been no complaints. In the Pine/Curtis neighborhood, people can walk to stores and activities.

Sandra Lally lives on Curtis lane. She and her husband have supported this project from the beginning. Her concern is not traffic but the close proximity of various buildings. She hopes that issues from both sides can be addressed.

Julianne VanBelle has been on the board of the housing authority for 11 years. This project is really worthy for the Vineyard and affordable housing. She had concerns about the Fairwinds and Bridge 40B projects. This has been well worked out. She doesn't want to diminish the impact of the project on neighbors, but this is the type of location where this kind of project should be located. People will be able to define the character of the neighborhood as they wish.

Alan Gowell is a member of the Edgartown Resident Homesite Committee. Over 50 households picked up applications for the four houses on Metcalf Drive; the committee was only able to help four. The homes in this proposal are needed.

Jaemal Browne lives in the Fisher Road apartments. He has drawn and presented an alternative plan where each house has its own driveway. It would have a sense of individualism. He noted that some houses are only 15 feet apart. His plan would spread the houses out more. He will make copies and provide them. He is in favor of the project and would like to own a house if built the way he drew it, so he could drive right up to his house. He kept the common area, but removed the common storage area in favor of individual storage.

Philippe Jordi, executive director of the regional housing authority, submitted a letter in support of the project. It is a small project that would enhance the neighborhood and provide quality affordable housing for year-round residents with a range of incomes. Like any project, it would have an impact on the neighborhood, but it is a great location for ten working families. It would allow implementation of long-planned improvements to Fisher Road apartments, which would be funded by the Island Affordable Housing Fund, along with sewer hookups. It is a good use of land to have shared parking limited to the exterior boundary of the project, so that children can use the central area.

Joe Allosso, Superintendent of the Edgartown Wastewater Treatment Plan, confirmed plans to propose sewer extension to the area, and responded to questions.

- He is designing a low-pressure, grinder pump sewer system for Curtis Lane, Clark Drive and Pine Street, for seventy-seven properties, which will be put before the citizens at the next Annual Town Meeting. The town would put in the sewers in the street and the pumps; the homeowners would pay for installation at a cost of $1000-3000 per house. They are not planning a betterment tax. It would go to the next town meeting, he thinks it is likely that it would be approved. This would cost $350,000 and complete a $8.7 million sewering project along upper Main Street.
John Abrams said that their proposal remains to tie in to the gravity sewer system at Main Street, regardless of the vote. To whatever degree the project’s sewer work comes in under budget, any remaining funds would be contributed to the town system for Curtis Lane and Pine Street.

David Wiley asked if it would make more sense to extend the gravity sewer line through the Jenney Lane property and onto Pine and Curtis. Joe Allosso responded that they cannot use a gravity line on Clark, Pine and Curtis. Whatever happens on the Jenney Lane property would be maintained by the homeowners association. The town would maintain the pumps proposed for Clark Drive, Curtis Lane and Pine Street.

Jean Andrews recalled an earlier proposal for a large piece of machinery that would be installed on a vacant lot that is now built upon. She asked if the machinery would still be needed, and for more details about the proposed grinder pumps.

Joe Allosso responded that when the town originally designed a gravity fed system, there would have been one large grinder pump for the neighborhood, but this is no longer planned. Instead, small, individual grinder pumps would be buried with only a 20” access protruding 1-1/2” from the ground. He also provided the following responses to questions:
- The Town of Edgartown decides who gets sewered and who doesn’t, since it is paid for by taxpayers.
- The gravity sewer would have no noise. The grinder system can cause some vibration when it kicks on, but can be placed far enough from homes to not cause problems.
- They installed a grinder pump system at the Stop-and-Shop and several restaurants and they work fine. He is confident that it will work well in residential neighborhoods.
- When a home is tied into the sewer system, the septic tank must be pumped out and filled with sand.

1.6 Public testimony against the project.

David Wiley, Pine Street, said
- That Gloria Jeffers [who Mr. Abrams earlier testified as not signing the neighborhood petition opposing the project] had in fact signed the petition. Also, the entrance on Curtis is 26’ wide, not 20.’
- He talked to another engineer who said that if the traffic was so minimal, why not put it through the Main Street entrance. It would be a level of service “A.” He doesn’t agree that a Main Street entrance would be a problem.
- Some other studies show trip generation of 13 trips per unit. That would be a 30% greater impact than used in the Applicants’ study.
- The neighbors have always said they would accept this project, but statements that the abutters are all for it are inaccurate. One person didn’t sign the petition because of a deal pending with the proponent.
- The question is not whether affordable housing is appropriate, but whether the proposed single entrance is appropriate. He believes that there are two possible solutions: Curtis Lane or through the Jenney property.
- There is said to be a long-standing agreement with the abutters not to use Curtis Lane, but that possibility was on the table in November.
There have been accidents in the neighborhood. A child was killed many years ago. Someone who lives in the neighborhood knocked a child off a bicycle several years ago. A dog and a cat were killed. People don’t respect the 20 mph speed limit.

The traffic report said the road narrows down to 16', but parts narrow to 14'. As for mitigation, it would not be desirable to make it one-way, because that would speed traffic up. The road can’t be widened. There is no room.

It would be desirable if the Jenneys allowed access through their property or use the 26' lane to Curtis Lane.

The comparison of clustered parking in the Fisher Road apartments is not a good comparison because those buildings are all in a line, with a short walk to the parking.

Frank Crowley, of Clark Drive, supports David Wiley. It is a safety issue. He described an incident of a car going onto his property. Everyone supports affordable housing. To increase the traffic on Curtis or Pine will not help the traffic problem in the area. The cluster zoning requires a minimum of 5 acres. John Abrams said that this site is more than 5 acres. Frank Crowley said that this does not meet the subdivision requirements since only one parcel will be used for the affordable housing. John Abrams said that the entire development is considered one project. Linda Sibley said that it is the Town of Edgartown that determines whether it conforms to zoning. Frank Crowley said the concerns of safety of the neighborhood should override the economic interests of the developer. It is possible to get access to Main Street; it is just a matter of money. An alternate proposal from a private developer could not be worse because there is not the 50-60' frontage needed for each lot. Most of the people who spoke in favor of the project were not taxpaying residents.

Stephen Warriner, of Pine Street, read the revision to the cluster-zoning bylaw saying that the 5-acre minimum be stricken. He read from a letter that he submitted. Everyone believes that this project will be approved, but it should be improved with conditions. He is not in favor of the common parking or storage. As a result of the change to the cluster-zoning bylaw, there are 50 properties where cluster development could take place. The MVC should set standards. This project is well funded and is the first of many. There should be guidelines that set the standard for this and other neighborhoods. He asked for
- Parking at each house
- Storage and garbage at each house
- Traffic to Main Street or at least two exits

Sylvia Thomas, of Curtis Lane, thanked Linda DeWitt and the MVC for reopening the hearing. People do need affordable housing. Many people now in the neighborhood would not be able to buy houses in this project. The neighbors would be just as much against this if it were a regular project. Having only one access is unacceptable for the neighborhood. They don’t want to accept more traffic. She is against the idea of taking Fisher Road. The title to Fisher Road is murky because of the easement. She referred to the letter from Nelson Smith and his attorney. She thinks that a path to Fisher Road would be illegal. She thinks there should be a 6-foot stockade fence across the property for protection. Another 20 kids in the neighborhood would be too much for the neighborhood. Density should be reduced. She mentioned an elderly neighbor who was concerned about the prospect of a parking lot near her house. The project should be denied unless there is a second entrance. Mr. Abrams has alienated people in the neighborhood, by not responding to their needs. On Metcalf Drive, there are four homes on 6 acres. Habitat for Humanity will have two houses on 2 acres. On Chappy, there is a proposal for two houses on 2 acres.
Jeff Wooden, on Pine Street next to the Depot, said that there is a traffic problem year ’round with tradesmen coming in the morning year-round. There are parking problems as well, in spite of the “no parking” signs. To dump all the traffic on Pine when there are three alternatives, Main Street and two on Curtis Lane, would be an injustice. He showed photos illustrating the traffic constraints in the area. The project would definitely impact their quality of life. He asked the Commissioners to consider alternatives to make the project better.

Priscilla Haberstroh said that two cars can’t pass on Pine, since the curb is so high. It is not fair to have all the traffic on Pine. She objects to the term blue collar used earlier by Mr. Abrams to describe the neighborhood and likely residents or the proposed housing.

Paula Foss, Curtis Lane, asked to clarify whether lots 1-3 will be developed. John Abrams said that they will be covenanted so they cannot be further subdivided; one is built, so two new houses could be built there.

Don Haberstroh said that he would like the improved access and design. The idea of one access on Pine is absurd. He supports the project but the plan is faulty.

Trish Ing, Pine Street, said that after the last hearing, she went to view the Island Co-Housing [which had been cited several times by the project’s proponents as an example of the clustering concept this project employs]. It is a nice project but it is on 30 acres, with lots of open space. Here, the only open space is the parking lot.

Henry Wiley inherited 61 Pine Street in the 1970s. Pine Street is extremely narrow and the turns are sharp. If there is a car, no emergency vehicle could get through. A house burned down on Curtis Lane.

Jane Andrews, on Clark Drive, said that she is for affordable housing but there are safety issues. The neighbors took care of the gas trucks and didn’t need John Abrams help.

1.7 Commissioners Questions

Doug Sederholm asked whether it is clear that they don’t have legal access to use Fisher Road. John Abrams said this is so, unless the town takes it or it is granted by the Smiths.

Doug Sederholm asked about the width of the [northern] lane leading to Curtis Lane. John Abrams said that is 22 or 23’ between the buildings. There is no written agreement but there is an oral agreement by the Jenney’s not to use it. This would mean putting a road between the fronts of two buildings 22’ across, whereas Jenney Lane would be in the backyards between two buildings 40’ apart.

Jane A. Greene asked where they would bring in construction materials. John Abrams said the sewer and then construction materials would be brought in from Main and Pine.

Linda DeWitt asked about the other [southern] possible access from Curtis Lane. John Abrams said that there was also a verbal agreement not to use this.

Jane A. Greene asked about the term “long standing agreement”. John Abrams said that the agreement had been in effect for approximately a year to a year and a half.

Megan Ottens-Sargent asked about the lack of frontage if the site was developed by a private developer. John Abrams said that it was possible to get the frontage by putting a road through the whole property.
Megan Ottens-Sargent asked about the easement through the Housing Authority apartments, and asked whether it has ever served as a road. John Abrams said that it has never been a road; there was a proposal for this project to put a road there, with an easement.

Megan Ottens-Sargent asked whether the narrow parcel to Curtis Lane was the Jenney's property. John Abrams confirmed that it is.

David Wiley said that he measured between the two buildings where they want to build Jenney Lane. He measured that between the bulkheads of the building is 35’.

Peter Shemeth, Curtis Lane, said that there isn’t a lot of space on the [northern] parcel leading to Curtis Lane. Bringing traffic through there would be a safety problem.

John Abrams said that the traffic impact is negligible; the difference of 2 seconds [increase in delay time to pull out onto Main Street] is imperceptible. There would be an additional car going by every five minutes.

Jeff Wooden asked the Commissioners to look at the alternative traffic study provided by the neighbors.

Linda DeWitt asked John Abrams to comment on Chief Condlin’s concerns. John Abrams said that Andy Grant had looked at these concerns.

Jane A. Greene asked if there was correspondence from the Edgartown Fire Chief. There had been none.

John Best said that given the testimony before us, the Commission should debate the project as proposed, not other options. The Commission can approve or deny the proposal, but a lot of time has been spent discussion options that have not been proposed by the Applicant.

1.8 Applicant’s Closing Statement

John Abrams said

- This project is not about economics; both the Jenney’s and the project sponsors will lose money.
- The Jenney’s have accepted the project in their back yard; they are taking the heaviest burden of all. The people who spoke tonight speak for part of the neighborhood, not all.
- The IAHF received a letter from a family that moved into Metcalf Drive that said affordable housing is “the opportunity of a lifetime”.
- This is a good plan that will work well. The reason people like the Jenney’s and the Applicants endure this type of process is because we believe that the people of Martha’s Vineyard deserve to have good stable housing in the place where they chose to live.

Richard Toole closed the hearing at 10:23, leaving the written record open for one week.

2. WOODSIDE VILLAGE VI (DRI No. 568) – VOTE ON WRITTEN DECISION


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James Athearn read aloud the conditions written in the draft decision (see meeting file).

Jane A. Greene moved and it was duly seconded that the written decision be adopted with the amendment that the condition addressing possible vehicular use of the special way should read "...no vehicular access to the site during or after...."


3. AIDELBERG II (DRI No. 569) – VOTE ON WRITTEN DECISION


Linda Sibley moved and it was duly seconded that the written decision be adopted with the amendment that the condition encouraging a gate in the fencing should read "...and to facilitate access to the recreational facilities on the school property..."


4. UPCOMING LUPEC MEETINGS, SITE VISITS AND OTHER MEETINGS

- Wednesday October 8, 2003, 5:30
  - CK Associates - with a vote by the Commission on October 16
  - Jenny Lane begin - post public hearing discussion, if the first item is completed quickly
  - Opinion question regarding conformance for a potential subdivision
  - Christina Brown reminded Commissioners about upcoming deadline for CK Associates vote, and asked them to come to the LUPEC meeting on October 8.
  - It was agreed that the Committee will continue to meet past 7 P.M. if necessary.
- October 20, Jenny Lane post public hearing, with the intention of a Commission vote by October 23.
- Christina Brown invited Commissioners to a very preliminary discussion Wednesday October 8, 1:15 P.M., in the Edgartown Town Hall, between Edgartown Affordable Housing Committee and the Community Builders, regarding the Pennywise Path affordable housing project.

5. MINUTES OF PREVIOUS MEETING

Postponed
Jane A. Greene said that the Finance Committee met earlier in the evening to consider an application by David Wessling for early retirement and is analyzing the details and costs to the Commission.

Megan Ottens-Sargent reported that the Planning and Economic Development Committee also met earlier this evening to discuss the work program for the 418 Community Development Plans in cooperation with the towns. There will also be a series of forums on a series of topics.

The Meeting adjourned at 10:50 p.m.

[Signatures and dates]

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