

# MARATHA'S VINEYARD COMMISSION

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## Minutes of the Special Meeting of November 6, 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), Tristan Israel (Appointed - Tisbury), Deborah Moore (Elected - Aquinnah), Katherine Newman (Appointed - Aquinnah), Megan Ottens-Sargent (Elected - Aquinnah), Bob Schwartz (Appointed - West Tisbury), Doug Sederholm (Elected - Chilmark), Linda Sibley (Elected - West Tisbury), Paul Strauss (Appointed - County), Richard Toole (Elected - Oak Bluffs), Roger Wey (Appointed - Oak Bluffs), Andrew Woodruff (Elected - West Tisbury)

Staff: Mark London (Executive Director), Jennifer Rand (DRI Coordinator), David Wessling (Transportation Planner), Bill Wilcox (Water Resources Planner), Christine Flynn (Affordable Housing, Economic Development), Bill Veno (Comprehensive Planner, Trails & Byways), Chris Seidel (GIS Specialist)

### 1. M.V. ELECTRIC (DRI No 566) - PUBLIC HEARING

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

There being a quorum present, Hearing Officer Christina Brown open the Public Hearing at 7:33 p.m.

Present for the applicant: Barry Stone, owner; Chuck Sullivan, architect

#### 1.1 Applicant's Presentation

Barry Stone introduced the proposal, saying that he wants to make better use of the property, to expand his business and allow some housing for employees or others.

Chuck Sullivan explained the proposal:

- The site is on Evelyn Way, off State Road near Cronig's; Evelyn Way is presently near to buildout. He listed the other uses on the street: Barnes Trucking, Perry Electric, East Coast

Sidewall, a residence, Watercourse Construction, M.V. Auto, and one vacant lot with M.V. Trucking behind it.

- They now have a small building on a small lot, and want to add a second floor to the existing building and add a new building, 36x72', with three commercial units, primarily for construction companies; basically shop space (low impact uses such as carpenters or plumbers) with minimal office space; Barry Stone said that the shops would not be open to the public. They would be mostly storage space, not big enough for a cabinet shop. They usually do most of the cabinetwork on site.
- On the second floor, there would be two housing units, preferably for employee housing; they would also make an affordable housing contribution.
- They would supply 25 parking spaces, with two curb cuts.
- There would be a new septic system.
- There would be three drywells and three catch basins.
- As for landscaping, they would take out some large trees, Russian Olives, because of concerns over traffic visibility (they would appear to be beyond the property line). They would replace them with appropriate native vegetation. There would be 18" high lighting bollards at the curb cuts and at a few locations, to define the parking area. There would be exterior lights outside the doors of the buildings, on timers and motion detectors.
- LUPC had waived the full traffic study. The applicant worked with David Wessling on the traffic study. There would be a minimal impact on Evelyn Way and no real impact on State Road or Pine Street. They foresee more traffic in the morning than the evening peak, with an average of about ten cars per peak hour. Barry Stone said that Evelyn Way is a private road, but the Town plows it.

### 1.2 Staff Report

Jennifer Rand updated the staff report and noted that the plan has changed since the staff report was sent out.

- Because there are only two housing units, not four, the project no longer needs a variance. The project needs a special permit from the Zoning Board of Appeals. The requirement is one parking space per dwelling, not two. The town could waive some of the parking requirements, as part of the special permit approval.
- The recommended affordable housing contribution is about \$1,290, and the applicant has proposed to donate \$1,300 to Houses on the move or to Habitat for Humanity.

David Wessling reported on traffic.

- With respect to the traffic and delays, there would be about eight trips per peak hour, which would add less than four seconds to the intersection at Evelyn Way and State Road and two seconds to the intersection of Pinehurst Road and State Road.
- Within the site, the project is well designed to be safe and efficient.

Bill Wilcox reported on water issues and summarized his staff report.

- Both the wastewater and stormwater designs seem fine.
- The site is outside the zone of contribution of town wells.
- The site is also outside the Tashmoo Watershed and groundwater flow is toward outer Vineyard Haven Harbor and West Chop.
- He did not anticipate any particular water resource problem with the project.

### 1.3 Testimony from Town Officials

There was none

#### 1.4 Testimony from the Public

There was none.

#### 1.5 Commissioners Questions

There was none.

*Christina Brown closed the Public Hearing.*

*Linda Sibley moved to suspend the rules and proceed directly to deliberation of the project. Voice vote. In favor: 14. Opposed 0. Abstentions: 0. The motion carried.*

### 2. M.V. ELECTRIC (DRI No 566) – DELIBERATIONS AND DECISION

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

*Linda Sibley moved and it was duly seconded that there be four hardy shade trees such as Red Maple or Oak, in addition to or instead of some of the proposed Hollies or Rhododendrons or White Pines located in the front part of the site, in order to shade the parking area. Voice vote. In favor: 14. Opposed 0. Abstentions: 0. The motion carried.*

*Doug Sederholm moved and it was duly seconded with the above condition, and accepting the offer to donate \$1300 to one of the recognized affordable housing entities on the Vineyard and that this donation should be made before the certificate of occupancy was issued.*

- Andrew Woodruff noted that this was a well-conceived project.
- Linda DeWitt noted that there is a parking problem on the street.

*Roll call vote. In favor: J. Athearn, J. Best, C. Brown, D. Moore, L. DeWitt, K. Newman, M. Ottens-Sargent, R. Schwartz, D. Sederholm, L. Sibley, P. Strauss, R. Toole, R. Wey, A. Woodruff Opposed: none. Abstentions: none. The motion carried unanimously.*

### 3. JENNEY LANE HOUSING (DRI No. 573) – DELIBERATION AND DECISION

*Commissioners present for this item: J. Athearn, J. Best, L. DeWitt, T. Israel, K. Newman, M. Ottens-Sargent, B. Schwartz, D. Sederholm, L. Sibley, R. Toole*

*Christina Brown left the meeting room, abstaining from the discussion and vote.*

Jim Athearn read the proposed conditions adopted at the October 23 meeting.

There was a discussion of individual parking.

- Doug Sederholm said that he had talked to the Edgartown Planning Board assistant, who had indicated that the Planning Board would have purview over the specific location of parking. He added that, if the Planning Board were to decide to insist on parking at each house, the plan would be substantially different and it should come back to the Commission for approval.

- Bob Schwartz said that he looked at possible alternative layouts and there might be some advantages as well as disadvantages, but that the changes would be significant enough to require a second look.
- Megan Ottens-Sargent noted that this could be looked at, with a concurrence vote, so that the Commission would not necessarily need a new Public Hearing.
- Tristan Israel asked why it would be necessary to come back if the Planning Board insisted on individual parking spaces. Linda Sibley responded that there could be many different ways to design this and that the Commission has not seen these options.

*Tristan Israel moved and it was duly seconded to condition that the Applicant may alter the plan to allow one of the homes to be located along Pine Street if the Town requires such a move. This change shall not require a further review by the Martha's Vineyard Commission.*

- Tristan Israel said that he would prefer one or two houses to be moved to face Pine Street, but he would be willing to leave this to the Planning Board. He is concerned that this area will read as a "project", isolated from the neighborhood. He had the same concern about Bridge proposal.
- Katherine Newman said that would isolate those houses from the new community formed by the Jenney Lane proposal.
- Doug Sederholm said that it would be desirable to defer to the desires of the project proponents. He favors leaving the design as it is. This house would be cut off from the rest of the new neighborhood by the parking area and would have all the traffic going by the house.
- Linda Sibley said the advantage would be to screen the parking with a house; but with an adequate vegetative buffer, the parking area would be sufficiently screened from the neighborhood without disjoining this house from the others.
- Jim Athearn felt that there were good arguments on both sides, so he would be willing to leave this up to the Planning Board.

*Vote by show of hands. In favor: 4. Opposed: 5. Abstentions: 0. The motion did not pass.*

*Linda Sibley moved and it was duly seconded that the Commission accept the Applicant's final plan, in which there are four small sheds instead of two large ones. Voice vote. In favor: 9. Opposed: 0. Abstention: 1. The motion passed.*

*Megan Ottens-Sargent moved and it was duly seconded that there shall be no additions or outbuildings other than unwinterized porches and decks. Voice vote. In favor: 10. Opposed: 0. Abstention: 0. The motion passed.*

*Linda Sibley moved and it was duly seconded that the Commission accept the plan entitled landscaping as proposed in the plan entitled "Revised Site and Landscape Plan" dated October 8, 2003. Voice vote. In favor: 10. Opposed: 0. Abstention: 0. The motion passed.*

*Megan Ottens-Sargent moved that only slow-release fertilizers be used and that there be no herbicides, pesticides and fungicides in the maintenance of landscaping. Voice vote. In favor: 10. Opposed: 0. Abstention: 0. The motion passed.*

*Richard Toole moved and it was duly seconded that the Applicant may use "green screening" using large dense shrubs and/or trees in place of the stockade fences shown on the plan entitled "Revised Site and Landscape Plan" dated October 8, 2003, and that the Commission*

encourages the use of this solution. Voice vote. In favor: 10. Opposed: 0. Abstention: 0. The motion passed.

Linda Sibley moved and it was duly seconded that the lights at the basketball hoop be turned off at 10 p.m.

- Tristan Israel said that there is probably a noise ordinance to control this.
- Linda Sibley said that this should not be left only to the homeowners association.

Vote by show of hands. In favor: 5. Opposed: 4. Abstention: 1. The motion passed.

Jennifer Rand summarized the proposed lighting in the Applicant's plan and noted that there was no lighting at the basketball hoop.

Linda Sibley moved and it was duly seconded to reconsider the last motion, since there is no lighting proposed at the basketball court. Voice vote. In favor: 10. Opposed: 0. Abstention: 0. The motion passed.

- Doug Sederholm noted that the basketball court is proposed to be shared with the Housing Authority, and lighting could be located on the Housing Authority property.
- Jim Athearn would rather leave this to the homeowners association.
- John Best noted that there would be problems with enforcing this kind of rule.
- Linda Sibley said that enforcement is a separate issue.

Linda Sibley moved and it was duly seconded to remove the condition on lighting of the basketball court. Voice vote. In favor: 8. Opposed: 0. Abstention: 2. The motion passed.

Linda Sibley moved and it was duly seconded to accept the applicant's offer that the sconce lights on the sheds be operated by self-extinguishing timers and require that the post lights be operated by motion sensors. Voice vote. In favor: 10. Opposed: 0. Abstention: 0. The motion passed.

Doug Sederholm moved and it was duly seconded to condition a stop sign and a stop line on the pavement at the site driveway exit. Voice vote. In favor: 10. Opposed: 0. Abstention: 0. The motion passed.

Doug Sederholm moved and it was duly seconded that roadside trimming be required to improve sight lines at both ends of Fisher Road if it becomes possible to use it as an access. Voice vote. In favor: 10. Opposed: 0. Abstention: 0. The motion passed.

Tristan Israel moved and it was duly seconded that the project be designed to meet all town standards for emergency access. Voice vote. In favor: 9. Opposed: 1. Abstention: 0. The motion passed.

Linda Sibley moved and it was duly seconded that the Commission make the following recommendations and suggestion in a letter to the Town: The Commission believes that the addition of a second access point is desirable but not essential. It does not favor the addition of an access through the Jenney property directly onto Main Street (which, we note has not been offered), as the addition of another curb cut on Main Street would adversely affect the traffic on this major road.

- Jim Athearn suggested saying that the MVC does not favor vehicular access through the Fisher Road Apartments.
- Linda DeWitt disagreed, and said that she favors going back to the original plan, with access from Fisher Road, passing between the apartments. Richard Toole agreed with this.

- Tristan Israel said that he thinks the second entrance is essential and without it, he might not vote for the project.
- Mark London noted that the Commission is now discussing recommendations that may or may not be adopted by the Town. This is independent of the Commission's decision on the project and its conditions.

*There was no vote taken on the motion. Instead, the Commission turned to voting the project, choosing to leave for later the discussion of a letter of recommendations.*

*Linda Sibley moved and it was duly seconded that the project be approved as conditioned.*

- Tristan Israel said he would prefer to continue discussing the recommendations.
- Linda Sibley said that this is an incredibly important proposal. The neighbors have raised many concerns, but most are pre-existing conditions that are somewhat exacerbated by the project, but would have been exacerbated with other development. The impacts are limited because the project is very well designed. This is an exemplary project, because all units are affordable by Commission standards, up to 140% of median income. These benefits far outweigh the detriments.
- John Best said that this is a very good project, the only problems are traffic, but it is better in town than in a rural area. From a regional standpoint, it is clear-cut. It is affordable housing in possibly one of the best places to build affordable housing. It is not a ghetto because they are single-family homes that will fit into the neighborhood. If the town wants to pick it apart, they can, but from the Commission's standpoint, it is acceptable, and he will vote for it.
- Richard Toole said that this proposal is for ten units of affordable housing, on an in-fill lot, is a cluster plan, and is designed around the residents, not the vehicles. It is being put together by a conscientious builder, with a landowner who wants to do the right thing. The builder is concerned about energy efficiency. There is an offer to improve the nearby existing affordable rental housing. The remaining issues are mostly local, and of all the town boards, the boards in Edgartown are capable of dealing with these issues. A plan presented by the Commission would look very much like this project.
- Linda DeWitt said that this is a great project. She is concerned about the access and would prefer to require two accesses but that is not possible. She thinks that the relation with the Fisher Street Apartments will be positive.
- Tristan Israel said that we need affordable housing and he will vote for it but doesn't know if we have pushed the developer as far as we could. He doesn't like the layout because it creates a separate area. He doesn't like the access but there is maybe nothing the applicant can do. It could have had fewer units.
- Jim Athearn said that he agrees with the design merits of the project and the housing distribution plan. However, any new construction adds to the people and stress on the Island.
- Megan Ottens-Sargent said that the benefits definitely outweigh the detriments. The public process has helped her see the difference between regional and local concerns and most local concerns may be dealt with as recommendations.

*Roll call vote to approve the project as conditioned. In favor: J. Athearn, J. Best, L. DeWitt, T. Israel, K. Newman, M. Ottens-Sargent, B. Schwartz, D. Sederholm, L. Sibley, R. Toole. Opposed: None. Abstentions: None. The motion passed unanimously.*

## CONDITIONS VOTED

- The applicant shall construct a second access into the project, should the town Planning Board determine it is necessary.
- If the town takes Fisher Road and requires that it be used as an access, it should be widened and improved up to town standards, at the cost of the applicant.
- If the second access becomes available, the applicant may return to the original internal road layout, other than modifications specifically made since then.
- Should the town require a second emergency access, with a crash gate that meets the requirements of the town, on either side of the two direct accesses from Curtis Lane, this could be constructed without returning to the Commission.
- Lot 4 shall be provided with a permanently deeded pedestrian and bicycle access through one or more of three alternative routes: a strip between the Lally and Shameth lots, a strip from lot 2 to Curtis Lane, or create a new path through lot 1 or lot 2 or both from lot 4.
- The siting of the houses indicated in the Plan may be adjusted by a maximum of 15', and the specific location of vegetation and other site features may be adjusted, provided that the present setbacks are respected, as determined by the Edgartown Planning Board and subject to the approval of the MVC Executive Director.
- The Commission accepts the applicant's final plan, in which there are four small sheds instead of 2 large ones.
- There shall be no additions or outbuildings other than unwinterized porches and decks
- The Commission accepts the landscaping as proposed in the plan entitled "Revised Site and Landscape Plan" dated October 8, 2003.
- Only slow-release fertilizers may be used, and no herbicides, pesticides or fungicides may be used in the maintenance of landscaping.
- The applicant may substitute "green screening" using large dense shrubs and/or trees in place of the stockade fences shown on the plan entitled "Revised Site and Landscape Plan" dated October 8, 2003, and that the Commission encourages this solution.
- The Commission accepts the applicant's offer that the sconce lights on the sheds be operated by self-extinguishing timers, and the post lights shall be operated by motion sensors.
- A stop sign and a stop line on the pavement at the site driveway exit(s) shall be installed. The signs shall be located so as to be easily visible, while not being an obstruction to vehicular and pedestrian traffic.
- Roadside trimming shall be required, to improve sight lines at both ends of Fisher Road if it becomes possible to use it as an access.
- The project must be designed to meet all town standards for emergency access.

*It was agreed to postpone the discussion about the recommendations for Jenney Lane. Commissioners with suggested additions or changes to the draft should send them to the Executive Director.*

*There was a recess from 9:35 to 9:45p.m.*

#### 4. WINDFARM SUBDIVISION PLAN (DRI 432-3) – CONCURRENCE VOTE

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*Commissioners present for this item: J. Athearn, J. Best, C. Brown, L. DeWitt, D. Moore, K. Newman, M. Ottens-Sargent, B. Schwartz, D. Sederholm, L. Sibley, P. Strauss, R. Toole, A. Woodruff*

Jennifer Rand said that this is a former DRI. The proposal is for a 6-lot subdivision, referred because it had formerly been a DRI. Otherwise, a 6-lot subdivision would not be referred. The applicant has proposed a 25-foot no cut zone, to maintain a no-cut natural vegetative buffer with the existing vegetation to be maintained or for dead stock to be revegetated with appropriate indigenous vegetation.

Bill Wilcox said that the nitrogen loading would be slightly over the target for highest water quality if there were 6 year-round houses and 6 guesthouses, which is unlikely. His conclusion is that the nitrogen loading would not be excessive.

David Wessling said that the proposal would generate fewer trips than the driving range.

Christina Brown looked at the regional impacts. The water and traffic impacts were negligible. The scenic value will be mitigated by the preservation of the buffer. These would be residential lots. Any commercial use would have to be referred back to the Commission. The LUPC recommended that the Commission should not concur.

*Richard Toole moved and it was duly seconded not to concur with the referral.*

Megan Ottens-Sargent reported that she had talked to Mr. Elisha Smith, the abutter, who noted that there would now be five lots served by Elisha Lane. She is concerned about the rural character.

David Wessling noted that the town has a Road Committee that has recommended that the proposed road comply with the town's subdivision rules and regulations. He also said that the Planning Board's policy is to require paved subdivision roads.

Linda Sibley said that when the Commission looks at the checklist, we might consider the possibility of requiring that small subdivisions located on major roads be referred, but this is not the case now.

*Roll call vote to not concur. In favor: J. Athearn, J. Best, C. Brown, L. DeWitt, D. Moore, K. Newman, M. Ottens-Sargent, B. Schwartz, D. Sederholm, L. Sibley, P. Strauss, R. Toole, A. Woodruff. Opposed: none. Abstentions: none. The motion passed unanimously.*

#### 5. LUPC REPORT

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Christina Brown said that LUPC is charged with proposing revisions to the Standards and Criteria every two years. She proposed that the Commission do a light revision by December and send it for approval to the Secretary of Environmental Affairs. This would include making several more items by concurrence, list the criteria for concurrence and define lots and parcels. She also proposed a more fundamental revision starting immediately and continuing into the spring.



Jennifer Rand noted upcoming meetings and site visits

- There is a Pre-Public Hearing review of a Yoga studio, on November 10.
- On Nov 17, there is discussion of a concurrence vote on a proposed wind turbine.
- The Bad Company project will be coming back, and there should be a site visit scheduled within the next few weeks.

## 6. MINUTES OF PREVIOUS MEETINGS

Christina Brown noted that she has always abstained from Jenney Lane proceedings, and the minutes for each of those meetings should reflect that.

*Linda Sibley moved, and it was duly seconded to approve the minutes of August 21, 2003, as corrected.*

- P 1 line 30 - Christina Brown's name should be omitted and a line inserted stating that she would abstain and left the room.
- P 4 line 38 - Correct line 38 – make clear Dave Wiley's statements about traffic.
- P 6 line 24 - should read "sight distance"
- P 7 line 28 – should read, "...did not utilize the 20-foot strip..."
- P 7 line 35 - Should read "...use a special permit since he was not sure that the town was within the time limit to go to the Attorney General..."
- p9 line 12 – should read "...a drive out to the Co-housing site . . ."
- p 7 line 42 - should read "...whether the existing strips of land could be used. . ."

*Voice vote. In favor: 8. Opposed: 0. Abstentions: 1. The motion carried.*

*Doug Sederholm moved, and it was duly seconded to approve the minutes of September 18. In favor: 9. Opposed: 0. Abstentions: 0. The motion carried.*

*Linda Sibley moved, and it was duly seconded to approve the minutes of October 2, as corrected.*

- P 5 line 15 – should read "Lally"
- Voice vote. In favor: 8. Opposed: 0. Abstentions: 1 The motion carried.*

*Richard Toole moved and it was duly seconded to approve the minutes of October 16, 2003. Voice vote. In favor: 7. Opposed: 0. Abstentions: 2. The motion carried.*

*Linda Sibley moved and it was duly seconded to approve the minutes of October 23 as corrected.*

- Page 7 line 2 - should read "Possible Recommendations and Suggestions to the Town"
- Voice vote. In favor: 7. Opposed: 0. Abstentions: 2. The motion carried.*

## 7. NEW BUSINESS

Linda DeWitt asked that the Commission discuss the Blind Trust. Mark London suggested that there be no meeting next week and that this be discussed at the regular meeting on November 20.

Andrew Woodruff offered his personal thanks to Tristan Israel for his honest and forthright commentary.

Jim Athearn expressed thanks to Alan Schweikert, who did a very good job when he was here, and welcomed Roger Wey as the new appointed representative from Oak Bluffs.

The Meeting was adjourned at 10:26 p.m.

James A. Athearn  
Chairman

Jan. 15, 2004  
Date

Jim Schweikert  
Clerk-Treasurer

1/15/04  
Date