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Minutes of the Commission Meeting Held on September 1, 2005 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

Commissioners: (P = Present; A = Appointed; E = Elected)

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|---|---------------------------------------|
| P James Athearn (E – Edgartown) | P Ned Orleans (A – Tisbury) |
| P John Best (E – Tisbury) | P Megan Ottens-Sargent (E – Aquinnah) |
| P John Breckenridge (A – Oak Bluffs) | P Deborah Pigeon (E – Oak Bluffs) |
| P Christina Brown (E - Edgartown) | P Jim Powell (A – West Tisbury) |
| P Carlene Condon (A – Edgartown) | P Doug Sederholm (E – Chilmark) |
| P Mimi Davisson (E – Oak Bluffs) | P Linda Sibley (E – West Tisbury) |
| - Martin Crane (A – Governor Appointee) | P Paul Strauss (County Comm. Rep.) |
| - Chris Murphy (A – Chilmark) | - Andrew Woodruff (E – West Tisbury) |
| - Katherine Newman (A – Aquinnah) | |

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Coordinator)
7:40

1. ANDERSON/WINTERTIDE BUILDING: DRI 504M-2 – CHANGE IN CONDITIONS

Commissioners Present: J. Athearn, J. Best, J. Breckenridge, C. Brown, C. Condon, M. Davisson, N. Orleans, M. Ottens-Sargent, D. Pigeon, J. Powell, D. Sederholm, L. Sibley, P. Strauss

For the Applicant: James Weisman, architect; Eric Anderson, owner

James Weisman said that 2½ years ago, the Commission approved changes to the third floor of the building. The project wasn't acted on because the owner couldn't receive permission for the sewer flows and wasn't permitted to file an appeal to the town until June 2006. He previously applied for and received time extensions on the project from the Commission. He is now applying for a change of use from six studios to a single two-bedroom apartment. He is also submitting changes to the plan to accommodate the change in use:

- The current entrance to Cecilia's, facing Beach Street Extension, would become an entrance to a private stairway and Cecilia's would have a new entrance, which is desired by Cecilia's.
- On the second floor there is no visible change.
- On the third floor, the vaulted ceiling would extend four more feet on the south side.
- On the originally approved plan, no exterior stairway was drawn into the plan; this plan includes the stairway that is less intrusive on the lot line than is the current stairway.

Megan Ottens-Sargent asked about the extended dormer on the approved plan. **James Weisman** said it is part of the design to give adequate headroom to the space.

Eric Anderson said the costs of creating artists' space and bringing the building up to code looked prohibitive. The proposal for an apartment enhances the building, makes the project economically viable, and adds a residential component that is better for the building.

James Weisman added that from a traffic standpoint, a single residence would have less impact than six studios. The apartment could have a dedicated parking space.

Eric Anderson added that if the project goes forward, wastewater flow could be reallocated from the restaurant to the apartment.

John Breckenridge asked to whom wastewater flow is allocated and if the restaurant is aware of the potential; **Eric Anderson** said wastewater flow is allocated to the building itself and the issue has already been raised with the restaurant as part of lease negotiations.

Mimi Davisson asked for confirmation that the applicant is asking for a change in use and some minor changes in the plan and that he would be doing the changes that were approved in the previous plan. **Eric Anderson** confirmed that he has already begun the other construction and landscape changes.

Linda Sibley asked whether the apartment would be rented year round. **Eric Anderson** said that it would be a year-round rental, not seasonal; it is intended to be a primary residence. **Linda Sibley** said that part of the Commission's decision on change of use would be based on his testimony that the rental would be year round because the length of rental affects impact.

Linda Sibley clarified for the Commission that the first decision before it is whether the changes are sufficiently substantial to require a public hearing. If the Commission decides no public hearing is required, then the proposed changes will be voted on.

John Breckenridge asked whether the changes could be approved with conditions. **Linda Sibley** said the Commission could approve the changes as presented, including Eric Anderson's testimony.

Christina Brown said LUPC voted unanimously to recommend that the change from artists' studios to an apartment was not substantial enough to require a public hearing for a number of reasons: a year-round apartment would be an asset to the town, it has a dedicated parking space, and it would generate less traffic.

Ned Orleans moved and it was duly seconded that the change is insubstantial and does not require a public hearing. A voice vote was taken. In favor: 12. Opposed: 0. Abstentions: 1. The motion passed.

Paul Strauss moved and it was duly seconded to approve the modifications as presented, namely using the third floor as a single apartment to be rented on a year-round basis. In favor: J. Athearn, J. Best, J. Breckenridge, C. Brown, C. Condon, M. Davisson, N. Orleans, M. Ottens-Sargent, D. Pigeon, J. Powell, D. Sederholm, L. Sibley, P. Strauss. Opposed: None. Abstentions: None. The motion passed.

2. ISLAND ELDERLY HOUSING: DRI 564 & DRI 569 – EXTENSION REQUESTS

Commissioners Present: J. Athearn, J. Best, J. Breckenridge, C. Brown, C. Condon, M. Davisson, N. Orleans, M. Ottens-Sargent, D. Pigeon, J. Powell, D. Sederholm, L. Sibley, P. Strauss

For the Applicant: Marcia Cini, attorney

Linda Sibley presented a letter from Marcia Cini requesting construction commencement extensions until September 2007 for Hillside Village III and Aydelberg II. The letter explained that the government funding process was moving more slowly than expected.

Megan Ottens-Sargent, as an abutter, abstained from voting on Hillside Village.

James Athearn moved and it was duly seconded that the request for construction commencement on Hillside Village III, DRI 564, be extended until September 2007. A voice vote was taken. In favor: 12. Opposed: 0. Abstentions: 1. The motion passed.

James Athearn moved and it was duly seconded that the request for construction commencement on Aydelberg II, DRI 569, be extended until September 2007. A voice vote was taken. In favor: 13. Opposed: 0. Abstentions: 0. The motion passed.

3. COZY HEARTH AFFORDABLE HOUSING: DRI 584 - PUBLIC HEARING (CONT.)

Commissioners Present: J. Athearn, J. Best, J. Breckenridge, C. Brown, C. Condon, M. Davisson, N. Orleans, M. Ottens-Sargent, D. Pigeon, J. Powell, D. Sederholm, L. Sibley

For the Applicant: Bill Bennett, president; Marcia Cini, attorney

Christina Brown reopened the public hearing on the 11-unit subdivision on Watcha Path for procedural reasons only and without taking any testimony.

Marcia Cini requested that the hearing be continued because two Commissioners were absent.

Linda Sibley said she hopes that the applicant understands that they can't guarantee that Commissioners won't be absent at future hearings.

Christina Brown continued the public hearing until September 22, 2005, at 7:30 p.m. She said any written comments are welcome, urged Commissioners to read all the written material, and closed the session of the public hearing.

4. OTHER

4.1 Stone Building

Mark London reported that repairs to the front of the building are almost completed. The new wood needs to weather six months before it is painted.

4.2 Housing Bank Legislation

John Best reminded Commissioners to read and comment on the Housing Bank Legislation. He suggested that a discussion be scheduled for the next meeting. Most of the discussion at the recent

meeting on the legislation centered on whether the legislation would go through and that the funding formula should be modified so that the first \$750,000 of a sale should be exempt.

Mark London proposed that staff prepare a draft letter for the Commission. **Christina Brown** clarified that what is being asked for at this time is a response to the wording of the legislation. The Commission could give a statement of support at a later date.

John Best said that he and Christine Flynn went over the legislation carefully and he outlined some issues based on this review and that he had raised at the meeting with organizers.

- Christine Flynn had a question about eligibility of non-profit applicants.
- The town advisory board includes two selectmen appointees but no one specifically from town infrastructure, such as water and sewer
- The paragraph on conflict of interest spells out only one aspect of conflict. John Best had suggested that either the definition be fleshed out or eliminated.
- The income stream would be bondable, as at the Land Bank.
- James Lengyel had suggested that the County Treasurer oversee the financials, as at the Land Bank.
- The Land Bank will collect the assessments at no charge as they process the Land Bank assessments. However, they will not provide other administration.
- Towns with higher land prices will generate a lot more per sale. Whether that was fair was discussed at the meeting.

Christina Brown said the point is that the housing bank legislation mirrors the Land Bank legislation; that was done purposefully because the Land Bank wording has passed. Regarding conflict of interest, she suggested that the legislation could simply state that the group is subject to Mass Ethics Laws.

Jim Powell said the time for input is 2-3 weeks; the wording will then go to Town Selectmen, then to the Legislature. Eventually it will go to the Taxation Committee, and hopefully members of that committee will visit the Vineyard.

Mark London comment on the two initiatives that will generate funds for affordable housing. The Community Preservation Act funds are town-based. The Housing Bank money will be half town-based and half Island-wide. It was discussed at the meeting whether it would be better to have all of the Housing Bank dollars be allocated Island-wide and whether that was politically viable.

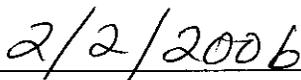
Christina Brown said it is likely that much of the town-allocated money will be allocated across the Island and will depend on the projects that are requesting funding.

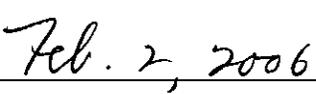
Linda Sibley encouraged everyone to read the draft legislation.

The meeting adjourned at 8:50 p.m.


Chairman


Clerk-Treasurer


Date


Date