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## **Minutes of the Commission Meeting Held on May 10, 2007 In the Chilmark Community Center Chilmark, MA**

### **IN ATTENDANCE**

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

P James Athearn (E – Edgartown)	P Ned Orleans (A – Tisbury)
P John Breckenridge (A – Oak Bluffs)	P Jim Powell (A – West Tisbury)
P Christina Brown (E - Edgartown)	P Doug Sederholm (E – Chilmark)
P Peter Cabana (A – Tisbury)	P Susan Shea (A – Aquinnah)
- Martin Crane (A – Governor Appointee)	P Linda Sibley (E – West Tisbury)
P Mimi Davisson (E – Oak Bluffs)	- Paul Strauss (County Comm. Rep.)
P Mark Morris (A – Edgartown)	P Richard Toole (E – Oak Bluffs)
P Chris Murphy (A – Chilmark)	P Andrew Woodruff (E – West Tisbury)
P Katherine Newman (A – Aquinnah)	

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Coordinator), Jim Miller (Traffic Analyst), Christine Flynn (Affordable Housing Coordinator)

The meeting was called to order at 7:41 p.m.

### **1. MIDDLE LINE ROAD COMMUNITY HOUSING: DRI NO. 597 – PUBLIC HEARING**

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Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, M. Morris, C. Murphy, K. Newman, N. Orleans, J. Powell, D. Sederholm, S. Shea, L. Sibley, R. Toole, A. Woodruff

For the Applicant: Warren Doty, Selectman (Town of Chilmark); Frank Fenner, Selectman, Riggs Parker, Selectman; David Handlin, architect; Andy Goldman, General Housing Committee; Chuck Hodgkinson, Town employee

**Christina Brown** opened the public hearing and read the hearing notice. The proposal from the Town of Chilmark is to build a 9-building, 12-unit housing project on a 21-acre Town-owned property on Middle Line Road in Chilmark. She noted that there were some procedural issues in relation to the possible inclusion of an adjacent 48-acre property in the application, which are being worked out by the Town's and MVC's lawyers. The Commission will postpone discussing the 48-acre site until the lawyers have cured the procedural issues.

#### **1.1 Applicant's Presentation**

**Warren Doty**, Chilmark Selectman, welcomed Commissioners to the Chilmark Community Center.

- The proposal has been a dream that Chilmark has been working on for a long time beginning in 2001 when the Town passed the Community Preservation Act.

- The Town has dedicated CPA monies to affordable housing projects, saving the bulk of the money for a major project, which had been the dream of Molly Flender.

**Frank Fenner**, Chilmark Selectman, explained the Commission's review.

- The Chilmark Planning Board referred the project to the Commission under a number of triggers:
  - a subdivision of more than ten dwellings
  - a subdivision of fifteen or more acres
  - a subdivision into three or more lots
  - a subdivision that involves rare wildlife habitat
- The DRI must comply with Commission policies on open space, energy, affordable housing, traffic, and water quality.
- The project must comply with Massachusetts Historical Commission requirements and Massachusetts Division of Fisheries and Wildlife.
- Chilmark met with LUPC on November 6, December 18, 2006, and April 2, 2007.

**Riggs Parker**, Chilmark Selectman, explained the history of the project.

- Chilmark voters adopted the CPA in 2001.
- In October 2003, the Town changed the designated use of the Town-owned land on Middle Line Road to general municipal purposes
- Voters have appropriated over \$500,000 toward the Middle Line Road project over 5 years.
- A voter survey showed that 75% of the respondents liked the idea of using the land for affordable housing, with a mixed result on rental versus homesites.
- The project is seeking Planning Board approval for six homesite lots and one lot for three rental duplexes with six units.
- Voters have authorized:
  - the subdivision of the land,
  - hiring an engineering firm,
  - hiring an architect,
  - use of CPA funds to prepare the site for infrastructure,
  - award of the six homesite lots through a process determined by the Housing Committee, with each recipient being required to seek his/her own permits.
- The Middle Line Road Implementation Committee has the task of designing a 12-unit Community Housing Program that complies with town permitting regulations, is cost effective, and meets the affordable income requirements and established mortgage and rent expense guidelines.
- The committee has appointed an architect, David Handlin of Handlin, Garrahan, Zachos and Associates who is doing the work pro bono.
- Vineyard Land Surveying and Engineering has been hired to design roadways, septic systems, wells, and subdivision lots.
- The Housing Committee is developing the necessary legal documents.
- The plan has been before the Board of Health and Conservation Commission, and will be before the Planning Board for the subdivision.
- The lot winners will have to go before the Zoning Board of Appeals with their plans to get their own permits.

**Warren Doty**, Chilmark Selectman, gave an overview of the Middle Line Road Community Housing Program

- The twelve-unit Community Housing Program will have a total of nine structures with six homesite ownership units and three rental duplexes with two rental units each.
- The Town will retain ownership of the land with long-term ground lease agreements for both homesite and rental units.
- Zoning by-laws require one acre for the home ownership lots. The six homesite lots will be at least one acre.
- The six rental units will be developed and managed by an independent agency with two one-bedroom units, two two-bedroom units, and two three-bedroom units.
- A preliminary Form B subdivision plan has been filed with the Chilmark Board of Health, which has accepted the engineer's representation of soils which are adequate for subdivision and septic and wells.

**David Handlin**, architect, explained the evolution of the plan.

- The key physical features of the site, which shaped the plan, are three wetlands, Holman Road, which bisects the site, and a grove of beech trees.
- The Conservation Commission requires a 100-foot wetland buffer zone.
- The Planning Board requires a 40-foot right of way within the subdivision and 100 feet of road frontage.
- The Board of Health requires septic systems be 30 feet from each property line, 150 feet from the well and wetland edges, and 20 feet from the building.
- The Fire Chief has requested a 10,000 gallon on-site water source for fire protection.
- Zoning requires a one-acre minimum for the homesite lots, with the building envelope set back 50 feet from the property line.
- The proposed plan is the result of a complex calculus on how to achieve the requirements.
- The lot layout accommodates the need for siting wells and septic and creating a building envelope.
- The current plan was developed with Holman Road as a separate road and using better perc test sites for septic.
- After the cut area is subtracted from the site, there's about 80% green space left over.
- All the sites adhere completely to Town regulations.

He explained the energy aspect of the proposal.

- The project is a finalist for an award from Cape Light Compact, depending how completely it complies with LEED.
- The project will be done in a smart and sustainable way.
- He can't make promises but their intention is to get a high level of certification.

Two issues concern the planners going forward.

- The regulatory phase is the easy part. The hard part is building quality buildings at a reasonable cost.
- They want the unit to create a community.
- They'll form an advisory committee to work with the people who are awarded the sites.
- There's a limited amount of money. They want to meet energy objectives, use better building practices, and include aesthetic enhancements.

**Andy Goldman**, chair of the General Housing Committee, acknowledged the important work of that was done by the Affordable Housing Committee led by Molly Flender.

- He outlined the Chilmark Zoning By-Law that relates to affordable housing.
- The lotteries for homesite and rental candidates give preference for Chilmark residents and those who work and volunteer in Chilmark. Secondary preference will be given for Martha's Vineyard residents.
- Income requirements for four units are up to 100% of Dukes County Median Income. For eight units income requirement is up to 150% of Dukes County Median Income.
- Legal work is being done for implementation and further documents are required for rental units and homesite lots.

**Chuck Hodgkinson** works with permitting boards

- **Traffic Impact**

- The traffic impact study was done by Jim Miller, Commission Traffic Analyst.
- Middle Line Road is a one-lane road with turnouts, which will suffice for this level of development.
- The intersection of Middle Line Road and Tabor House Road need improved sight lines, which Selectmen are addressing.
- There is a VTA bus stop at North Road and Tabor House Road.
- Holman Road now provides trail access through North Tabor Farm to North Road.
- The Commission predicts a maximum of 144 new trips a day.
- Peak season traffic will increase from 100-200 cars a day to 300 -600 cars per day

- **Massachusetts Historical Commission**

- The Commission has a record of two archeological sites south of Middle Line Road.
- The Commission suggests an archeological survey but does not require it.

- **Natural Heritage and Endangered Species Program**

- A small section in the southwest corner is within Priority Habitat areas.
- Two state listed rare species are found in the vicinity: American Brook Lamprey (a fish) and the Water-willow stem borer (a moth).

- **Massachusetts Endangered Species Act (MESA)**

- NHESP determined that this project will not result in a prohibited "take" of state-listed rare species.

- **Water Quality & Nitrogen Loading**

- The town controls the development rights on 69 contiguous acres.
- The northern section of 7 acres is in the Vineyard Sound watershed where there are no nitrogen issues. It will accommodate four dwelling units.
- The southern section flows into Tisbury Great Pond watershed, which has nitrogen-loading limits.

**Kent Healy**, registered civil engineer, discussed Tisbury Great Pond Watershed nitrogen issues.

- About half of the rain flows to the river by ground or surface water into Tisbury Great Pond.
- The nitrogenous waste from 100 houses, 20 horses and 60 sheep is absorbed by the wetlands and vegetation so no nitrogen is flowing from the river into Tisbury Great Pond.

- It's been proposed to add on advanced wastewater treatment systems to the proposed dwelling.
  - An aerobic system add-on costs \$10,000-20,000 to install and removes 10 -20 pounds of nitrogen a year. They also use 1300 kws of power at about \$260 dollars per year. The power use would require burning about 130 gallons of oil, which releases about 20 pounds of nitrogen and about 1,000 pounds of carbon dioxide.
  - He believes that there are no apparent benefits to the advance treatment systems, and there appear to be detriments.

**Andy Goldman** said the only reason they'd consider advanced treatment systems is because Chilmark residents and the Commission have asked them to.

- The proposed eight dwelling units would produce 60.3 kilos of nitrogen per year.
- The 62 acres have no capacity for further development; the acreage has a capacity of 69.9 kilos which is more than the dwellings are projected to produce.
- The project complies with Commission policy, and Chilmark Board of Health and Commonwealth Code.
- Any of the individual homesite tenants may upgrade.
- The rental duplexes need tight construction and maintenance cost controls to meet the goal of keeping the rent affordable.
- Septic system costs:
  - nine separate four-bedroom Title V systems = \$75,000
  - three shared Title 5 systems = \$120,000
  - three shared advanced systems = \$180,000 to \$375,000
- Advanced treatment won't really benefit Tisbury Great Pond. He doesn't see why such a provision should be mandated; there's no policy justification.
- He asked that the Commission not allow the perfect become the enemy of the good. Title 5 systems meet all the criteria of all the regulations and boards.
- The Commission can help the project go forward by seeing that the project is in compliance with its policies and referring it back to the Chilmark Planning Board, which will oversee the project.
- The beneficiaries will be the residents.

## **1.2 Staff Report**

**Paul Foley** gave the staff report.

- The Town of Chilmark is the applicant.
- The proposal is to create a 9-building, 12-unit housing project on 21.4 acres.
- Local permits are required from the Conservation Commission for the new road, Board of Health for wells and septic, the Planning Board for subdivision, and the Zoning Board of Appeals.
- Chilmark has been working on the project for several years.
- The proposal is for 6 single family detached units and 6 duplex units in 3 buildings. The units will be kept at their affordable rates in perpetuity.
- The project was referred by the Chilmark Planning Board to the Commission under a number of DRI triggers.
  - significant wildlife habitat.

- subdivision of fifteen or more acres into three or more lots.
- creating ten or more dwelling units.
- There have been several LUPC meetings and site visits.
- The applicant has requested a DRI filing fee waiver, which would require a majority vote of the Commission.
- Planning concerns are:
  - The site is a rural location away from town services.
  - The impact on habitat and the rural character of the area.
  - The possible need for an archeological survey.
  - The adequacy of Middle Line Road.
  - The Commission Water Quality Policy.
- The project is not considered 'smart growth' because it is not near any town services or transportation connections. Existing zoning would allow six houses and six guesthouses.
- A portion of the site is a NHESP Priority Habitat of Rare Species.
- The applicant has filed an application with the Massachusetts Endangered Species Act.
- Massachusetts Historical Commission suggests that an archeological survey should be conducted for the proposed project. The Wampanoag Tribe Tribal Historic Preservation Officer concurs with the recommendation.
- The architects are applying for LEED points. They have applied for and are a finalist in an application for a Cape Light Compact LEED Green Affordable Home Grant.
- The project would meet the water quality policy with advanced treatment of the duplexes or if the MVC were to accept the application of the abutting 48-acre conservation land.
- Estimated new trip traffic is 144 trips a day with 12 at peak hour.
- All intersections will continue at level of service A.
- The proposed development will add almost 20% to the traffic on Tabor House Road in peak season, and up to 50% in the off-season.
- The traffic on Middle Line will increase from almost nil to over 100 trips daily.
- The traffic study recommends improving sight lines for cars exiting Middle Line Road onto Tabor House Road.
- The Affordable Housing project was initiated by the town to address affordable housing needs in Chilmark. Units will be awarded based on income and Chilmark affiliation. The Dukes County Housing Authority will be the monitoring agent.
- The Committee is working out design guidelines related to homesite construction and ownership.
- One economic impact is that affordable housing is essential to workers on the Island and a benefit to the Island and the town.
- The estimated cost of construction is \$4.4 million according to the DRI 597 Application.
- Voters have already approved \$243,000 to acquire the clay mineral rights and \$212,000 in CPA funds for architectural, engineering, and site work.
- The building massing is not as clustered as in the original plan.
- Local impact on abutters will be increased trip generation, the visibility of the buildings, and the possible improvements to Middle Line Road.

**Paul Foley** showed slides with aerial views, several maps, and other information.

### **1.3 Town Boards**

**Richard Osnoss**, Chair of the Chilmark Planning Board, summarized the letter sent by the Planning Board.

- The town mandated that there be 12 units. They're trying to evaluate all the input they've received. The Planning Board has had two public hearings with another scheduled for May 14 at Town Hall.
- The Planning Board has some concerns about the building envelopes and the line of houses along the eastern boundary of the plan. The Board has discussed with the planners moving the buildings 20 or 30 feet to the west.
- The Board has asked about the costs of exploring alternative septic systems.
- The Board is concerned about the Tabor House Road intersection in terms of safety. The town needs a 40-foot right of way on Middle Line Road so they can plan turnouts.
- Low costs will help keep the project affordable. There might be possibilities for add-ons or incentives for home owners if they were to receive monetary benefit for upgrading.
- David Norton, Chief of Chilmark Fire Department, has said the project needs a source of water. The Board is confident that will happen.
- The Planning Board is concerned with the project's effect on the abutters. It's important that the project be done right on their behalf. People believe in the project but neighbors are wary and want the project looked at carefully so it's done right.
- There's been talk of using land on Peaked Hill Road for another affordable housing project if this one goes well.
- The Planning Board hasn't come to a conclusion about alternative wastewater treatment but the Board is bound by the Chilmark Master Plan which states that water sources, groundwater, and bodies of water need to be protected. Personally, he believes anything to mitigate pollution to groundwater should be done.
- Ultimately, the Planning Board is bound by the Board of Health regulations. The Board anticipates that the Board of Health will say that Title 5 is fine. The question is whether they should go beyond what is minimally required.

**Andrew Woodruff** asked whether towns are exempt from their own zoning. **Richard Osnoss** said towns are not exempt from their own zoning.

**Mimi Davisson** asked whether alternate systems, such as composting toilets have been considered. **Richard Osnoss** said the Board of Health has approved composting toilets in Chilmark in the past.

There was a discussion of the cluster by-law.

- **Doug Sederholm** noted that the application is apparently relying on the resident homesite zoning by-law. Could the project also have been done under cluster housing section?
- **Richard Osnoss** said there was a more clustered plan but it was limited because the Board of Health preferred one septic for each residence; it could have been developed under the cluster housing section of the by-law or under the resident homesite by-law. Under cluster zoning, the affordability aspect wouldn't have kicked in.
- **Warren Doty** said the ability to award resident homesites are specific and allows one-acre homesites allowing the resident to apply for a special permit.

**Jim Athearn** asked whether the Planning Board has had discussion about the concepts of locating housing closer to developed areas. **Richard Osness** believes that when they looked at Town land, they didn't come up with land in the town center that would be suitable.

**John Breckenridge** asked about the specific purpose of the \$500,000 that's already been approved. **Warren Doty** said the land didn't have a clear title so the Town spent 18 months over the clay rights, taking the land by eminent domain, paying \$243,000 for the clay rights. They've appropriated about \$250,000 more, which they haven't spent yet. The Selectmen are talking about a possible \$60,000 appropriation for a rebate of \$10,000 for each homesite owner for energy or septic upgrades.

**Susan Shea** asked if the planners are going to apply for federal funds. **Warren Doty** said they aren't aware of any funds they could qualify for; it's very hard for a town like Chilmark to find grants or tax credit for this kind of project.

**Christina Brown** thanked the members of the Planning Board.

- She noted that the Commission had received a letter from the Chilmark Fire Department. The project does require a 10,000 gallon stored water source for adequate fire protection.
- The Planning Board can require that a project have a water source.
- A letter from the Division of Fisheries and Wildlife states that the project can go ahead.
- A letter from Mass Historic Commission recommends an intensive archeological survey of the site because there have been some archeological sites nearby.

**Paul Foley** clarified soil type information.

- The sites located on the western Moraine have a soil type of East Chop Loamy Sand. It's a deep excessively drained soil that's prone to erosion. Bill Wilcox recommends soil stabilization during construction.
- There are also patches of Chilmark Sandy Loam on the property.

#### **1.4 Public Comment**

**David Vigneault**, Dukes County Regional Housing Authority, said this effort is a very important addition to address the serious need for housing opportunities. When it's built, it will be an important addition. Every person who goes from the shuffle to a year round rental or to an ownership opportunity, is creating something for themselves and creating opportunity.

- This will help down-Island.
- Housing is a regional problem and the solutions are regional even when they're town specific.
- He's excited about the proposal and Dukes Count Housing Authority's role.
- The current wait list for rentals is 286, concentrated at 100% of median income or below.
- Five people on the list reside in Chilmark and four of the five are at 80% median income.
- On the homebuyer wait list is 252 names, with 7 residing in Chilmark.
- He said smart growth is one approach, but another is 'anywhere we can'. There is no 'not to' approach.

**Diane Emin**, wife of the abutter, sent a letter. They have three major concerns:

- Road access from Tabor House Road is owned by the Emin family, which needs to be addressed. The 40-foot right of way also has to be addressed.
- The project is right on top of them. The site development will be like going from the woods to sort of like a village. Any help to lessen density, to move the project further west, or to have more substantial screening would be useful in maintaining the rural nature of their property.
- The number of septic tanks and wells is a concern. They are nervous about the water and soil issues.
- They are asking the Commission and Planning Board to take some things into consideration.

**Zelda Gamson** is a representative to the Housing Authority Board. When they started the committee and passed the Homesite Committee by-laws, they opened up a process of application.

- They have not placed a single person whom they've qualified and people are waiting.
- She appreciates how seriously this project is being considered, but she doesn't feel a great sense of urgency is being applied.
- There are people who need this housing. She asked the Commission to please move the project along as quickly as it can.

**Perry Ambulos'** family was on the original list. The 14 families that were on the list are either no longer interested, have moved on or no longer fit the requirements.

- Molly Flender had asked that they get actively involved.
- Four years later the plan may not be perfect but it is good.
- He was asked whether his family would enjoy living in a development. Any of them would embrace it with open arms. Anyone whose housing is unstable would love it. This would be a wonderful place to live.
- He would encourage the Commission to do anything it can to push the project forward.
- He added that one of the tenets of the Commission is to assist town efforts to create and support affordable housing efforts.

**Richard Osness**, Planning Board, said if he came across as being against the project that's incorrect. He supports the project. The Planning Board supports the project's moving ahead and they have agreed they would be able to resolve any difficulties with the plan. When the final definitive plan comes before them it will be ready to be passed.

**Lenny Jason** suggested that the Commission deal with the regional issues and allow the local Boards of Health and Planning Board to deal with local issues such as access and septage.

**Dardanelle Slavin**, a housing applicant, said the whole project has taken a really long time. She encouraged everyone to push the project along and get it going.

**Cristina Soulagnet**, spoke in support of Perry, the town and the project. She was one of the first applicants on the list in 2001. It's been a long process and a long wait. Owning her own home is a dream. She would appreciate the Commission's moving the project along as quickly as possible.

**Christina Brown** outlined the letter from Cheryl Maltais of the Wampanoag Tribe, which states that a survey will determine the absence or presence of cultural materials and add to their

archaeological understanding. She endorses Mass Historical's recommendations of an intensive survey and recommends a meeting of all stakeholders to identify, protect, and preserve any significant elements.

**Mary Beth Grady**, a homeowner in Chilmark, said many people have volunteered hours on an emotional and important issue.

- The neighbors who are concerned aren't elitist. The neighbors are part of the community and can be part of the process.
- She wondered if the Commission with its experience could help Chilmark remain a community through this process.
- Chilmark has a long history of honesty. We can all sympathize with people who don't want something right in their yard.

**Tim Lasker**, member of the Planning Board and Affordable Housing Committee, spoke as a citizen.

- He is 100% behind affordable housing and mixed-use lots.
- He is basically 100% behind the plan if it meets specific requirements. The Town has brought to the Planning Board a plan that has a lot of time and effort.
- He's tired of hearing things can't be done because the project has to be kept affordable when Chilmark is one of the wealthiest towns in the Commonwealth.
- Taxes aren't high. Taxpayers may need to help do this in the right way, including incentives to homesite owners.
- This should be done properly. He appreciates that it's taken five years.
- The town is smart enough and caring enough to come up with the right solution, including dealing with neighbor's concerns. But it will take more than what the town's put up so far.

### **1.5 Applicants' Comments**

**Warren Doty**, newly elected chair of the Selectmen, said there has been frustration developing affordable housing in Chilmark.

- However, Chilmark has provided 22 youth lots over 20 years, mostly from subdivision lots given by developers.
- Chilmark doesn't have 10 -12 unit subdivisions anymore, so there are no resident homesite lots.
- The program they used to use hasn't worked for the last five years so they've developed the current plan.
- The cost per unit is basically \$366,000, with \$4.4 million total cost. That's already at the top of the list.

**Riggs Parker**, former chair of the Planning Board, during the seventies, participated in drawing the first subdivision regulations and the first youth lots.

- Providing housing for young people is the most important thing the town could do right now.
- They are mired, not stymied, by regulations. They care about all the people involved.
- They have been charged by the Town Meeting to bring a project that can be done and is cost effective. They are happy to add bells and whistles for the Town to vote on, but their charge is to get the project done.

- The Commission needs to deal with its regional issues and the Planning Board will deal with the local issues.
- David Handlin deserves a real round of applause.

**Frank Fenner** restated that it's been a long process and it means an awful lot to get the project through.

- If the Selectmen are guilty of anything, it's trying to push it as fast as they can.
- The need for affordable housing is real and it's now.

**Christina Brown** said among the regional issues is protection of the surface waters of Tisbury Great Pond. The applicants have proposed that the land that abuts the 21-acre parcel be used as part of the land that calculates septage. The Town and Commission lawyers are working it out. She intends to continue the public hearing to May 31<sup>st</sup> at which time this issue can be discussed.

### **1.5 Commissioner Questions**

**Peter Cabana** asked Kent Healey about the calculation of energy used and pollutants released to run alternative wastewater. **Kent Healy** will provide calculations to the Commission and other information in writing; there is very little benefit from advanced treatment; the nitrogen contamination will go hardly anywhere; burning fossil fuel to create the energy for advanced treatment has a measurable detriment.

**Mimi Davisson** wondered if it would be possible to power alternative wastewater with solar power.

**Mimi Davisson** wondered about public transportation and what opportunities there were to not own a car. **Rusty Walton**, Town employee, said there may be a transportation site nearby in the future. The solid waste landfill was capped so that it could be used as an off-site park and ride location for Menemsha or a VTA pick up.

**Mimi Davisson** wondered if the architect is considering any aspects or universal design so the rental units could meet the needs of any potential residents. **David Handlin** said the apartments don't need to be handicapped accessible but they could be. **David Vigneault** said he has information on standards for mobility or aging issues.

**Mimi Davisson** wondered if Chilmark has considered changing some of the by-laws to make the process of providing affordable housing easier.

**Doug Sederholm** said it would be unfair to finish tonight's session of the hearing without at least commenting that there are substantive issues related to the inclusion of the 48-acre site.

- The town has had a conservation restriction on that property for twenty years.
- Without the Cossuta property, the project does not meet Commission wastewater guidelines.
- The question of whether the Cosutta property should be considered part of the project is a matter of policy and is not a simple issue.
- The issue of whether the town controls the nitrogen loading on the Cossuta property is also an open question.

**Christina Brown** said it is not fair to get into the issue without more guidelines from the Town and Commission lawyers.

There was a discussion about the project location and about clustering.

- **Andrew Woodruff** asked if this is the best Chilmark can do for clustering the project and asked whether variances could create a better project.
- **Jim Athearn** said he has asked the Selectmen why this location in the last wild areas of Chilmark. He wondered why they would put twelve units in this location rather than locate them around town, nearer the school and community center.
- **Frank Fenner** said they have been looking for three years for land for the fire department in the center of town but they haven't found a site. In terms of Middle Line Road, the town doesn't have a whole lot of choices. He'd like to say in conjunction with Mimi Davisson and Andrew Woodruff that the Commission could work on its regulations also.
- **Andrew Woodruff** said he was looking for taking advantage of what they already have through variance.

**Christina Brown** closed this session of the public hearing and continued to 7:30 p.m. on May 31<sup>st</sup>.

## **2. FISCHER FAMILY FARM: DRI NO. 34M - WRITTEN DECISION**

*Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C. Murphy, K. Newman, N. Orleans, J. Powell, D. Sederholm, S. Shea, L. Sibley, R. Toole, A. Woodruff*

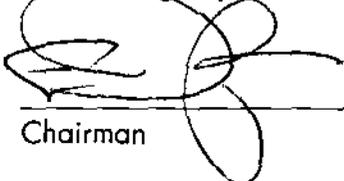
Commissioner agreed to the following clarifications:

- |              |  |
|--------------|--|
| Line 155     | The applicant will be a direct abutter                                     |
| Line 32      | April 26, not May 10, 2007   |
| Line 14 & 26 | Add a description of the project.  |
| Line 76      | May 10, 2007   |
| Line 115     | Add of   |
| Line 149     | Add <i>and possibly a guest house</i>                                      |
| Page 5       | Staff will clarify the location of the development and building envelopes. |

**Andrew Woodruff** encouraged the Commission to be more specific in its deliberations.

The final approval of the Written Decision was continued so that staff could work on defining what was meant by setting back the Development Envelope from the water. Does the water mean the high tide, the top of the coastal bank, or something else?

The meeting adjourned at 10:54 p.m.

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Clerk-Treasurer

  
\_\_\_\_\_  
Date