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Minutes of the Commission Meeting Held on December 6, 2007 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

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)
P Martin Crane (A – Governor Appointee)	P Linda Sibley (E – West Tisbury)
P Mimi Davisson (E – Oak Bluffs)	P Paul Strauss (County Comm. Rep.)
- Mark Morris (A – Edgartown)	P Richard Toole (E – Oak Bluffs)
P Chris Murphy (A – Chilmark)	- Andrew Woodruff (E – West Tisbury)
P Katherine Newman (A – Aquinnah)	

Staff: Mark London (Executive Director), Paul Foley (DRI Analyst/Planner), Christine Flynn (Economic Development & Affordable Housing Planner), Jo-Ann Taylor (Coastal Planner/DCPC, Coordinator) Bill Veno (Senior Planner)

The meeting was called to order at 7:40 p.m.

1. OFFICER NOMINATING COMMITTEE

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

James Athearn reported that the Nominating Committee proposes the following nominations as the slate of officers for 2008: Doug Sederholm, Chair; Christina Brown, Vice Chair; Ned Orleans, Treasurer. There were no additional nominations from the floor. Commissioners will vote at their December 14 meeting.

2. PROPOSED AQUINNAH ENERGY DISTRICT – PUBLIC HEARING

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

Doug Sederholm read the public hearing notice for the designation of the proposed Town of Aquinnah Energy District (Energy Conservation and Generation) for that portion of air space over

all lands and waters within the Town of Aquinnah, except the Indian Common Lands (generally known as the Cranberry Bogs, the Clay Cliffs and Herring Creek) and Settlement Lands, which exceeds 32 feet in height above mean natural grade for land and/or mean sea level for water.

The purpose of the hearing is to aid the Commission in determining whether it should approve the designation. If the designation is approved, the Commission also approves goals and guidelines for the district, which become the roadmap for the Town's development of regulations for the DCPC. The Town will have a year within which to 1) craft its own regulations, have the regulations approved as conforming to the guidelines, and 3) adopt the regulation at Town Meeting by a 2/3 majority.

2.1 Staff Report

Jo-Ann Taylor gave the staff report.

- The nomination was made by the Board of Selectmen. The Commission voted to accept the nomination for consideration on November 1st
- The moratorium and the District start 32 feet in the air, partly so as not to burden the Town with another townwide moratorium.
- The area under consideration is all of the Town except the Indian Common Lands, known as the Cranberry Bogs, the Clay Cliffs and Herring Creek, as named in Chapter 831, and the Settlement Lands because new zoning regulations aren't applicable to the Settlement Lands.
- In making the decision, the Commission is guided by the Critical Planning District Qualifications.
- For designation there must be a need for designation and an inadequacy of existing regulations. There would have to be damage to the District if new regulations aren't adopted. There has to be regional impact.
- The size and shape of the District is Aquinnah except for those areas that need to be excluded. The District will begin 32 feet in the air. As the Town develops its regulations it may have to come back for an amendment to lower the height to the ground.
- A specific qualification of the District is that it contains an important and identifiable wildlife, natural, scientific or ecological resource. This would include but not be limited to special plant and animal life and habitats, as well as unusual geological features, and is critical because development may disrupt the ecological balance.
- A specific qualification of the District is that it contains a place, landscape, way or view that is in some special way expressive of the character of the Island. A qualification is also that the District is of exceptional symbolic or recreational importance to the residents of more than one town and is either visible to them or accessible to them or is rare, unique or irreplaceable.
- A lot of the criteria for the town-wide DCPC carry over to this DCPC.
- If the Commission makes the designation, it has to provide goals and guidelines. The regulations the Town develops must conform to goals and guidelines.
- The draft goals and guidelines presented in the staff notes are one way to get at what the nomination is trying for.

- The draft goals are to facilitate local generation of energy from renewable sources, solar, geothermal and wind, by allowing various technologies to be utilized while minimizing impacts on rural character and natural resources; to encourage efficient, responsible building construction and adaptation, optimizing renewable energy for power needs and maximizing energy conservation.
- The draft guidelines for all energy generation facilities instruct the Town to do a comprehensive energy study resulting in a comprehensive energy plan for the Town. Then the Town would develop appropriate regulations to meet the goals.
- The draft guidelines instruct the Town, after the comprehensive study, to reevaluate the height delineation of the DCPC. The Town may then find it necessary to request that the Commission bring the height threshold down to the ground.
- There are guidelines specific to wind generation starting with definitions.
- The guidelines suggest that Aquinnah consider establishing separate zones for small, medium, large, and offshore facilities.
- The Town would develop wind energy regulations based on a comprehensive plan.
- It may be difficult for wind generation facilities to meet the skyline standard of the current DCPC by-laws. The Commission may consider softening or developing a different guideline to minimize visual intrusion and to balance other impacts.
- Recommending that energy regulations be administered in conjunction with existing regulations of Town of Aquinnah District makes sense given the overlay of all existing regulations.
- Definitions were taken from the zoning by-laws.
- Two letters were received.
 - South Mountain wrote in favor of the DCPC and asked whether it could be done without a moratorium; Jo-Ann clarified that this is not possible.
 - Megan Ottens-Sargent wrote with several questions.

Doug Sederholm confirmed that regulations as drafted by staff would have to only control things above 32 feet.

Jo-Ann Taylor confirmed that the Town's jurisdiction includes the waters surrounding Aquinnah out to three miles, but there are overlapping jurisdictions for navigational interests.

Doug Sederholm pointed out that, given the compact size of the Town, the water areas are substantially greater than the land areas. He added that the Commission is on a very tight schedule for taking a vote on the proposed DCPC. He's going to appoint an ad hoc committee to convene at least once to digest and evaluate the draft goals and guidelines, considering the testimony.

2.2 Comments from Public Officials

Camille Rose spoke on behalf of the Board of Selectmen.

- The staff notes don't mention that the current by-laws appear to be prohibitive as far as permitting any sort of wind turbines. The by-laws are based on the visual aspect of the environment. The height of wind turbines wouldn't fit into the guidelines of the current Town of Aquinnah DCPC.

- Aquinnah is in desperate need of creating regulations that would allow turbines. They've made progress in all aspects of creating regulations and in developing an energy policy, Aquinnah would like to consider different models to create different kinds of districts.
- None of these things have been addressed in the current by-laws. If Aquinnah had a wind turbine application, Aquinnah probably couldn't grant it because it would be in violation of the by-laws.
- It's important to have a regional body shepherd the guidelines in the beginning because it is a regional issue. She hopes this will be a model for the rest of the Island as well.

Brian Nelson, Nelson Mechanical Designs, explained that he is a member of the Town's Wind Energy Committee and a private developer of wind energy. As a member of the committee he can say that they have done a lot of research.

- He is in favor of the designation. They've learned so much in the last couple of weeks that all models have been thrown out of the window.
- They've met with Senator O'Leary; new legislation before the Senate changes what's possible for renewable energy.
- He has the first private application for a wind turbine in Aquinnah and agrees that there are overriding aesthetic considerations for location of turbines.
- New net metering legislation would make it possible to erect a wind turbine anywhere in the NStar district. The owner's account is credited and the owner can then assign power to any chosen entity at retail rates.
- It would be prudent to take time for Aquinnah to develop regulations that would be in line with legislation.
- The name of the bill is House Bill 4373.

Kathy Newman asked how the DCPC fits in with the idea of a 350-foot windmill. **Brian Nelson** explained that he feels that if he were to propose a 350 foot turbine, the Town would say it didn't fit into the rural character of the Town.

Jim Newman, selectmen from Aquinnah, but speaking as an individual, asked how designation would affect an individual who wants to put up a wind tower.

- The building codes allow the town to control size; he questioned the need for a DCPC when the Town already has the authority to control size.
- He opposes the moratorium, which he feels has not been thoroughly vetted with the public and wasn't discussed at the Selectmen's meeting.

Kate Warner thinks the DCPC idea is interesting and she likes the idea of it serving for a model for the whole Island. Mapping the town in terms of wind resources and the NStar grid infrastructure and what's the best in terms of energy generation are all good ideas.

- Aquinnah could adopt a zoning bylaw without the DCPC process that could define where wind generation could occur now.
- Energy conservation of buildings is below 32 feet. Buildings are the number one place to start so the moratorium over 32 feet doesn't make sense.
- She would also like to know the credentials of the people who are going to do the planning on behalf of the Town. She wants to know the really good mechanism that's going to take place so it can serve as a model for the Island.

Linda Sibley said the Commission cannot declare a DCPC without a moratorium. By declaring it 32 feet and above, the moratorium would apply to only wind turbines and allow the moratorium to be as limited as possible. If Aquinnah develops regulations that include conservation, they can come back and ask us to move the regulation boundary down to the ground based on regulations that will have been developed. It's a way of getting the whole energy DCPC without having a moratorium on everything.

Doug Sederholm added it was represented that the moratorium at 32 feet was needed because the town didn't have anything in place to deal with wind turbines, but now Aquinnah seems to be saying that they could stop wind turbines within the existing regulations.

Linda Sibley said they could do wind turbine regulations, probably without a DCPC, but they wouldn't end up with a DCPC for all the other energy issues.

Kate Warner says it doesn't make sense that the wording is to consider 32 feet and above, but the kinds of things they're going to consider are energy efficiency. What makes sense is to look at what the goals and guidelines are going to be and time it so the moratorium is very short because all the leg work is done up front.

Camille Rose said that the Selectmen never did discuss a moratorium because they want a limited one so as to not stop construction.

- Because a moratorium is part of the DCPC process, this language was proposed by the attorneys.
- In October, when the DCPC was presented to the Commission, it was presented with the promise by the Town that the regulations would be done in six months. They've done a lot of work.
- Even though it may appear that the zoning by-laws currently permit something over 32 feet, the goals and guidelines on the existing DCPC say they can't intrude on the skyline and do something inconsistent with the rural character of Aquinnah. They feel a permit wouldn't stand up to a challenge.
- Aquinnah needs to protect the people who want to do a project like this by having the regulations that permit it.

Jim Newman said it seems inconsistent with draft goals and guidelines, page 6, prepared by Commission staff; he doesn't like the contradiction of what's proposed and what's written.

Camille Rose said they may need to modify that language; any wind turbine will be visible and these are all things that Aquinnah will have to deal with and have to allow. They plan to have the regulations ready for a vote at the May Town Meeting.

John Breckenridge asked for clarification as to whether Aquinnah has regulations in place to restrict height. **Camille Rose** explained that the overriding siting regulations deal with the skyline and tree line. Aquinnah doesn't permit anything except in extreme conditions that breaks the treeline or intrudes into the skyline. Aquinnah needs to alter the regulations to allow for something like a wind turbine.

Kathy Newman asked about the study that's being done. **Camille Rose** said that Aquinnah was granted a Massachusetts Technology Collaborative study to determine the wind resources at

the cliff area, to give Aquinnah some models. They are getting the rest of the information from by laws that have been passed on the Cape.

Mimi Davisson asked about the people doing the work to develop regulations. **Camille Rose** said that the work is being divided up among members of the Planning Board and among people who are particularly interested. They have a small energy committee, which will have a public meeting next week. The work is done by stakeholders, not consultants.

Christina Brown said her understanding was that a person could apply for a wind turbine, but present regulations are severely limiting and may not allow the planning board to approve a wind turbine.

Jim Newman said the problem is Aquinnah doesn't have regulations for wind towers. There's a concern that Aquinnah may get twenty applications, but he doesn't believe they'll be deluged with applications. The planning board has the authority to deny how high a turbine can go or deny predicated on siting. What's necessary is to develop regulations.

Christina Brown said there's an issue of whether a DCPC is meaningful.

Jim Newman said the message of the DCPC and moratorium is that applicants can't do wind towers now because Aquinnah doesn't have its act together. Aquinnah is not encouraging wind towers. It is discouraging and prohibiting the construction of wind towers.

Kate Warner said she hasn't heard how the comprehensive planning will take place.

- The MTC grant won't map the whole Town.
- She's concerned that Aquinnah is focused on large-scale wind. If the focus is figuring out where Aquinnah wants to allow large-scale wind energy and still preserve the beauty of the Town, the DCPC should be focused on that, and it shouldn't be an energy efficiency DCPC.
- In reality, if Aquinnah wants to do the mapping and all the work on energy efficiency, it's not going to be done in six months, or not done well.

Susan Shea said she's concerned about who does the comprehensive energy plan for the Town mentioned in the in drafts and goals on page five. She wondered if there are other boards that have something to say about windmills.

Camille Rose said.

- Other boards wouldn't. But the Board of Health has almost finished its policy work on geothermal systems. Two systems have already been installed.
- The comprehensive energy plan is a conglomeration of different sources. Aquinnah already has solar siting approval capabilities and geothermal. The only parts that remain are wind turbines and construction. It's a question of adopting as much as we can.
- By-laws are amended all the time. The process is dynamic. Starting with something is a good-faith issue.

Carlos Montoya, Wind Energy Committee, spoke about the signal that the town is conveying. The importance of the moratorium is that it leads to the regulations that open up the door, so it's a positive thing.

Linda Sibley clarified that the regulation language on page 6 is in the language of the current DCPC.

- Because this language is so restrictive, Camille Rose believes if Aquinnah were to grant a permit for a wind turbine, a neighbor could successfully challenge it because it violates the regulations of the current DCPC.
- The new DCPC is needed to change the existing regulations for the existing DCPC.
- The language is in the current DCPC regulations and the basis of the guidelines.

Rob Myers, South Mountain, asked for clarification that the language on page 6 would be changed to allow approval of wind turbines.

Camille Rose read from the zoning regulations and pointed out that the basis for siting any structures is to make them as invisible as possible. That's what needs to be changed. The paragraph on page 6 needs to be modified in some way.

Doug Sederholm characterized the issue:

- Around 1999, Aquinnah asked for and the Commission granted a town-wide DCPC because Aquinnah was concerned about maintaining its culture and rural character. The DCPC developed a fairly strict code of regulations to prevent structures that would interfere with or disrupt the landscape.
- Now some people in the town are saying let us change that to possibly allow wind energy structures for renewable energy that would interrupt or alter the natural landscape.
- Shouldn't the guidelines focus solely on wind energy? Wind energy and energy conservation is a very broad umbrella. It seems like an awful lot to bite off and digest and cover everything. Shouldn't wind turbines be the sole mandate to give back to the town?

Camille Rose said it could be, but for the last year Aquinnah has talked about having guidelines for energy efficient construction. She doesn't think it would be that hard to adopt them based on other town models. It would be a start.

Mimi Davisson asked why the Commission isn't talking about modifying the existing DCPC.

Jo-Ann Taylor said there would still be a moratorium involved with amending the Town of Aquinnah District.

Linda Sibley spoke about the moratorium. A full building moratorium is punitive. A moratorium on wind turbines is acceptable, especially if the result is a comprehensive energy plan.

Kate Warner suggested that in the guidelines the Commission gives Aquinnah, it designates how they should go about the process. She's anxious that it be done in a way that's such a success that other towns want to duplicate it.

- She's concerned about building efficiency.
- She wants the Commission to designate a process about how the regulations will be gone about.
- She wants to hear more about the Town's process. There has to be some basis for how they're going about energy efficiency.
- If the overall intent is an energy policy, she would like to see the guidelines include the whole ball of wax, and also use the word renewable in place of alternative.

Mark London said he shares concerns that including energy efficiency mandates in the guidelines might delay adopting regulations on wind turbines and delay ending the moratorium. He added that the Commission's Energy Committee is looking at putting into place a framework within which DRI projects can be looked at.

Kate Warner said she thinks the Commission's Energy Committee has a different focus because it's looking at the DRI application process and the different kinds of applications the Commission receives. Aquinnah is primarily talking about residential projects, which would not be addressed through the DRI process. Energy efficiency might be addressed through a building code.

Jim Newman thought the Commission attorney said a moratorium could be waived under certain circumstances. **Mark London** said he doesn't think the moratorium could be waived and it applies to any project that hasn't been approved. Exceptions to a moratorium have to be certified by the Commission to be existing emergencies.

Rob Meyers said that the existing DCPC is a view and vista DCPC, and the issues could be addressed with a zoning by-law change without an energy DCPC. An energy code for the town written and implemented in six months is very, very optimistic.

Peter Cabana said:

- Oak Bluffs has a specific regulation for height, which is 70 feet from mean grade to the center of the rotor with a 35-foot blade, which is not adequate for the size of the turbine Aquinnah will be looking at.
- There aren't consistent uniform height regulations from town to town.
- Edgartown is considering a 5-megawatt offshore wind turbine, which has a blade 600 feet above the water. If Aquinnah were going to zone sites for wind turbines, Aquinnah would be well to deal with sites within three miles (in the ocean).
- It would be appropriate to have consistent applications of height limits among the towns.

Jo-Ann Taylor confirmed that the language in the by-laws is exactly consistent with the guidelines. She recommended changing the wording of the guidelines completely rather than mucking with the existing language.

Linda Sibley said the Commission may want to ask counsel about having overlapping DCPCs with one more lenient about breaking the skyline; she wondered, if the DCPCs are conflicting, will the Commission have to modify the guidelines of the original DCPC so Aquinnah can modify their by-law. **Doug Sederholm** said they'd try to get clarification before the next meeting.

Doug Sederholm closed the public hearing and appointed an ad hoc committee to sort out the goals and guidelines for the next meeting. Appointed were: Kathy Newman, Susan Shea, Peter Cabana, Christina Brown, Linda Sibley, Richard Toole, and Paul Strauss.

Commissioners took a short break.

3. HAVENSIDE: DRI NO. 608 - PUBLIC HEARING

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

For the applicant: Susan Phelps, manager; Stephanie Mashek, architect; Wesley Brown, President of the Board

Susan Phelps, manager, explained that Havenside is a non-profit that was a philanthropic gift to the community in the mid-1960s. Margaret Love and her brother Robert built four apartment buildings with 27 apartments to house the elderly.

- The apartment rental rates are set to cover the cost of maintenance and operations.
- Havenside is not subsidized by the government so doesn't have income limits for residents. The mission is to provide at cost housing for Island elders.
- Havenside is proposing an expansion because of the length of the waiting list and increased need for people who don't qualify for low-income housing.

Stephanie Mashek explained that the proposal is to renovate the basement of Building C to add one more unit, as well as some office space, and rearrange space for laundry and storage units for tenants.

- They would be enlarging the entrance to the office space.
- The addition is 77 sq. feet.
- On top of the living space would be a deck.
- The new terrace will have a drywell below.
- All exterior lighting at the entry doors will be downward focused.
- Materials will be similar to existing building.
- From the waterside, the view may be the top of the window and door. The addition itself will be tucked behind the adjacent neighbor's house.

Paul Foley spoke.

- He showed a slideshow of the existing site.
- A letter was submitted expressing concerns about run-off and a spotlight.

Stephanie Mashek explained that the side of Building C is the only side that isn't tied into the drainage system. The applicant is offering to tie any of the downspouts on Building C into the drywell that would be added for the terrace, which will be sized adequately.

Paul Foley summarized the letters the Commission received.

- Mr. and Mrs. Clough, nearby abutters, wrote in favor of the project.
- Dr. and Mrs. Loberg, neighbors, have no problem with the project except for runoff from the downspout on Building C and they asked that the lights on Building C not be like the lights on Building D.

Richard Toole said this is a wonderful complex; he asked whether there was any possibility of having more units. **Wesley Brown** said possibly but they wanted to start with what they have.

Susan Phelps said there are a lot of considerations in adding more buildings; he waiting list is 55 people; it's been as high as 85; there are roughly thirty residents.

Christina Brown closed the public hearing. She added that the local planning board would also be reviewing the project as a preexisting non-conforming structure.

4. HAVENSIDE: DRI NO. 608 – DELIBERATION & DECISION

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

Linda Sibley moved, and it was duly seconded, in view of the fact that the Commission has answers to all of its questions, that referral to LUPC be waived, and take action on the project. A voice vote was taken. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.

Christina Brown moved, and it was duly seconded, that the Commission approve the project as proposed with the written and verbal offers and conditions for the reason that it is clearly a benefit to the community. There are no environmental or ecological issues with the property and it is a well-developed in-town property. The benefits of serving needed housing for low and moderate income elderly people in town are great. It is smart growth and it encourages people to stay in the community. A roll call vote was taken. In favor: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Crane, M. Davisson, K. Newman, N. Orleans, J. Powell, D. Sederholm, L. Sibley, S. Shea, P. Strauss, R. Toole. Opposed: None. Abstentions: None. The motion passed.

5. BRIDGE HOUSING: DRI 560M – CONCURRENCE REVIEW

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

For the applicant: Marcia Cini, attorney; Dick Mezger, president of Bridge Housing Corp.; Bob Chidsey, Member of the Board.

Doug Sederholm disclosed that he rents space from Marcia Cini. He has no financial interest in the Bridge Housing project.

Doug Sederholm summarized the proposal.

- Bridge was originally approved with fifteen duplex buildings, for a total of thirty units, all for low and moderate income, with a total of sixty bedrooms.
- The Commission approved it and it went through the Town regulatory process and was caught up in litigation.
- The applicants and litigants have reached a tentative agreement and the applicant is asking for modification of the approval by reducing the size of the project to thirteen buildings of nine duplexes and four single family detached buildings, for a total of twenty-two units and forty-nine bedrooms.

- They are reducing the size and have reconfigured the project. The question is whether the changes are substantial enough to require a public hearing.

Marcia Cini explained they are not happy about losing affordable units, but it's a practical outcome of a difficult process.

Dick Mezger explained where the site is for Bridge Commons.

- Five years ago a plan was approved by the Commission. In February 2004 a minor modification was approved.
- He reviewed the layout of the project and its relationship to Red Coat Hill Road, which is protected by the Commission and the West Tisbury Zoning Board of Appeals.
- They are requesting to substitute a new plan with two fewer buildings, namely four single-family homes and nine duplex buildings. They will use the same curb cuts and starting point off State Road that were approved with the original Decision.
- They're using the pocket neighborhood design. The houses will face in toward a green. The surfaces for the alleys and parking behind the house will not be paved.
- All of the houses have south-facing sides, making use of passive solar capabilities and possible future active solar.
- The protections for Red Coat Hill are the same in terms of setbacks and number of crossings.
- The road has been moved a little bit more toward the western boundary of the property. The leaching bed will still be on the western side of the property.
- There are a couple thousand feet less of impervious surface than in the previous plan.
- This is a joint project with the Land Bank where the Land Bank purchased the top nine acres of the twentyfour acre lot. And they have an agreement with them to purchase six acres of "in fee" ownership. They have a handshake agreement with the Land Bank that they will purchase additional acreage to put in conservation restriction after the exact footprint is laid out.
- The Land Bank has agreed to have an easement on the east side of the property and to discontinue the use of the easement on the west side of the property in the section between State Road and Red Coat Hill Road.
- One of the modifications they are requesting is to change the no-cut zones slightly to allow a four-foot wide brush-cut path around the trees for use by pedestrians.

There was a discussion of staging.

- **John Breckenridge** asked about staging and how the project will maintain as many trees as possible.
- **Dick Mezger** said that the offer is that the community common areas will be opened up for construction purposes and there will be less need to disturb the areas behind the houses. They are expecting to receive one house per week, which is ample time to place it on the foundation and get the trailers off the site.
- **Marcia Cini** said they could offer to minimize destruction of natural vegetation by staging and installing water and electric in common areas.
- **Mark London** suggested they might be better off coming back to LUPC with a detailed landscaping and staging plan. It would be important to have a plan with existing trees

and which ones would be kept. He suggested giving the applicant more time to figure out the landscape and staging plan, and coming to LUPC before the commencement of construction.

- **Marcia Cini** agreed.
- **Doug Sederholm** added that the applicant should come back to LUPC if they run into a problem during construction that requires a change to the landscaping plan.

Christina Brown gave the LUPC report.

- LUPC focused on whether the new plan is consistent with the intention and design of the approved plan and whether the changes were substantial enough to require a public hearing. LUPC strongly recommended that the Commission find that the changes are not substantial enough to require a public hearing.
- LUPC found that the changes lessened the impact of the project on the environment and water without changing it.

Bill Wilcox said the changes create a reduction in flow of wastewater.

- Each of the four leaching fields will have an equal or reduced flow to what was approved. The exception is the leaching field closest to State Road will have a one bedroom increased flow, but it has been moved 100 feet further away from the down-gradient properties.
- It is highly likely that the down-gradient wells will be protected by the treatment level and placement of leaching fields. There is an extensive monitoring and testing program and liability insurance in case of any down-gradient problems that can be linked to wastewater disposal.

Bob Chidsey explained that they would use a denitrification system for the wastewater.

Dick Mezger handed out a memo on the modifications, which includes reduction of density, reduction of nitrogen loading, decrease of traffic impact, lessened activity level, and improved parking arrangement.

- Included in the memo is an allocation of the twenty-two homes by size and affordability level, with eleven homes dedicated to the 80% affordable housing level, six to 120%, and five to 150% AMI. The single-family homes are allocated across all income levels.
- Since the original approval, they've updated the mix of homes based on need. They plan greener homes with lower on-going maintenance costs. All homes will have a side with southern exposure.
- They have a memo of understanding with the Island Housing Trust who will assist with design and the specifications. They're planning to have Island Housing Trust own the land to allow their lease mechanism to provide for perpetual affordability.
- They've received substantial indication of support from the Island Affordable Housing fund.
- The Department of Housing and Community Development has said if Bridge Housing can enlist Island employers to provide programs to assist the employees in the paying of affordable housing, Bridge Housing could receive funding.
- The 2007 version has substantial support from the Land Bank.

- The appeal by the abutter of the ZBA's issuing of the 40B permit has been withdrawn with prejudice from the Court of Appeals. The second lawsuit is a request for a prestricitive and permanent easement to continue to cross the southwest corner of the site to gain access to State Road.
- Part of the settlement they're working on is to support the abutter's request for a curb cut. If the curb cut isn't allowed, they'll allow a driveway to connect to their road. The paved surface of the road way will be twenty feet wide and the shoulders will be grass.

Paul Strauss moved, and it was duly seconded, that the changes are not substantial enough to require a public hearing.

- **Linda Sibley** said that she's uncomfortable not addressing the potential additional curb cut.
- **Marci Cini** said they are offering the abutter the ability to use their access road if his request for an additional curb cut is not approved.
- **Kathy Newman** clarified that the Commission is looking at the original approval and deciding whether the changes are substantial enough to warrant a public hearing.

A voice vote was taken. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.

Linda Sibley moved, and it was duly seconded, to approve the changes as presented, including a specific landscape plan being brought to LUPC, to include staging. The intention of the plan will be to minimize the amount of trees that are cut while allowing construction staging. If, during construction, problems arise that require a modification, such as cutting down trees that weren't anticipated to be cut, the applicants will come back to LUPC for approval of a modification of the construction and staging plan. A roll call vote was taken. In favor: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Crane, M. Davisson, K. Newman, N. Orleans, J. Powell, D. Sederholm, S. Shea, L. Sibley, P. Strauss, R. Toole Opposed: None. Abstentions: None. The motion passed.

Christina Brown reiterated on behalf of the Commissioners that this is a remarkable project. She thanked Bridge Housing for putting it together in the first place and making it happen, working in cooperation with the Land Bank, housing groups, and not relying on federal grant money, to create housing for families at 150% or less AMI. It's remarkable. She hopes it serves as a model and inspiration.

Doug Sederholm thanked the applicants for their perseverance.

Susan Shea said that this is the first project on the Island that makes it possible for Island born children to come back to the Island with their talents.

The meeting adjourned at 10:45 p.m.

Chairman

Date

Clerk-Treasurer

Date

2-21-08

2-29-08