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**Minutes of the Commission Meeting  
Held on April 3, 2014  
In the Stone Building  
33 New York Avenue, Oak Bluffs, MA**

**IN ATTENDANCE**

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

P Tripp Barnes (E-Tisbury)	P Joan Malkin (A-Chilmark)
P John Breckenridge (E-Oak Bluffs)	P W. Karl McLaurin (A-Governor)
P Christina Brown (E-Edgartown)	P K. Newman (A-Aquinnah)
P Madeline Fisher (E-Edgartown)	- Ned Orleans (A-Tisbury)
P Josh Goldstein (E-Tisbury)	P Doug Sederholm (E-Chilmark)
- Erik Hammarlund (E-West Tisbury)	P Linda Sibley (E-West Tisbury)
P Fred Hancock (A-Oak Bluffs)	P Brian Smith (A-West Tisbury)
P Leonard Jason (A-County)	P James Vercruysse (A-Aquinnah)
P James Joyce (A-Edgartown)	

Staff: Bill Veno (Senior Planner), Paul Foley (DRI Planner), Christine Flynn (Economic Development and Affordable Housing), Priscilla Leclerc (Transportation Planner). Jo-Ann Taylor (Coastal Planner).

**Chairman Fred Hancock** called the meeting to order at 7:00 p.m.

**1. FERTILIZER DCPC WRITTEN DECISION**

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Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, W. K. McLaurin, K. Newman, D. Sederholm, L. Sibley, B. Smith, J. Vercruysse.

There was a discussion about 5.3.1e Adherence to Academic Standards.

- **James Vercruysse** said line 318 ties the document to the UMass Best Management Practices for Soil and Nutrient Management but doesn't mention anything about updates and should updated versions of the best practices be mentioned.
- **Joan Malkin** suggested to perhaps add language as updated from time to time.
- **Doug Sederholm** said that language would tie the town bylaws to the updated documents.
- **Joan Malkin** said if the UMass Best Practices was changed it would make each town update their bylaws so she felt leaving it vague, as written, is okay.

**Joan Malkin moved and it was duly seconded to approve the draft written decision designating Martha's Vineyard Lawn Fertilizer Control District as a District of Critical Planning Concern. Roll call vote. In favor: T. Barnes, J.**

**Breckenridge, C. Brown, M. Fisher, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, B. Smith, J. Vercruysse. Opposed: none. Abstentions: J. Goldstein, L. Jason, W. K. McLaurin. The motion passed.**

## **2. NEW BUSINESS**

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Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, W. K. McLaurin, K. Newman, D. Sederholm, L. Sibley, B. Smith, J. Vercruysse.

### **2.1 Scheduling**

**Fred Hancock** noted that the Stop & Shop applicant has requested a further extension of time and the next hearing will be scheduled for May 1, 2014 at 6:00 p.m. tentatively at the Tisbury Senior Center.

There was a discussion about the hearing date and time.

- **Jo-Ann Taylor** said the Aquinnah DCPC is noticed to be held at the MVC offices on May 1, 2014 at 7:00 p.m. and the meeting needs to be held prior to the Town Meeting.
- **Fred Hancock** suggested changing the notice for the Aquinnah DCPC to be at the Tisbury Senior Center.
- **Jo-Ann Taylor** said she will work out the notice as well as the location, date and time that will work for the Town.

### **2.2 Reports from Committees and/or Staff**

#### Scenic Roads

**Joan Malkin** said PED has been deciding how to take the issue forward for the scenic roads initiatives to preserve, protect, and perhaps improve the scenic roads. The best way is for the MVC to create a Scenic Roads Committee which will include appointees from the towns, interested citizens, MVC Commissioners, and perhaps highway supervisors. The committee will take forward the initiatives and embrace the NSTAR meetings. The MVC wrote a letter to the towns in December 2013 that this committee might happen.

**Joan Malkin moved and it was duly seconded for the Martha's Vineyard Commission to create a Scenic Roads Committee to preserve, protect, and improve the Island's scenic roads. Voice vote. In favor: 15. Opposed: 0. Abstentions: 0. The motion passed.**

**Fred Hancock**, Chairman appointed the following Commissioners to the committee; Leonard Jason, Brian Smith, Joan Malkin, Madeline Fisher, Katherine Newman, John Breckenridge, and Trip Barnes. The first meeting will be on April 30, 2014 at 5:30 p.m.

**Joan Malkin** noted that if a member of the committee is a Commissioner they are not considered a town appointee to the committee.

### **3. EDGARTOWN LOFTS EDGARTOWN DRI 170-M3 PUBLIC HEARING**

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*Commissioners Present:* T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, W. K. McLaurin, K. Newman, D. Sederholm, L. Sibley, B. Smith, J. Vercruysse.

*For the Applicant:* Sean Murphy (Lawyer/Agent), Charles Orlando (Architect), George Sourati (Engineer)

**Linda Sibley**, Public Hearing Officer opened the Public Hearing at 7:15 p.m. and read the public hearing notice. The location is 240 Edgartown-Vineyard Haven Road, Edgartown, Map 21 Lot 10.2 buildings C and D. The applicant is Haven Road Realty Trust and the proposal is to construct ten apartments, twenty bedrooms total in the existing second floor attic space of Buildings C and D of the Four Flags Condominiums (Post Office Square).

**Linda Sibley** reviewed the public hearing procedures which include the following; a Staff Report, applicant's presentation, testimony from town officials and the public, Commissioner's questions and the applicant's conclusion. Commissioners may also ask questions of clarification throughout the hearing. When giving testimony, she asked that individuals identify themselves stating their name and address, organize their thoughts, and avoid reading long texts. All texts may be submitted for the written record.

**Doug Sederholm** recused himself from the meeting. He is an abutter as his law office is located in Mariner's Landing.

#### **3.1 Staff Report**

**Paul Foley** presented the following:

- The packet of information includes the LUPC notes of March 17, 2014, the applicant's offers, the applicant's energy policy, accessibility opinion, photo of the site in the winter months of 2014, and the site plan.
- The proposal is to construct ten apartments (total 20 bedrooms) in the existing second floor attic space of buildings C and D of the Four Flags Condominiums, Post Office Square.
- The apartments would be year round rentals for year-round workers.
- The proposal is for one three-bedroom apartment, eight two-bedroom apartments, and a one-bedroom apartment.
- The one-bedroom unit shall be restricted to two people, the two bedroom units shall be limited to two adults and any children, and the three bedroom unit limited to three adults and any children.
- An aerial site plan was reviewed.
- The height of the buildings will remain the same. The plan is to build out the attic space with dormers. The proposed series of gables vary in width and appear to lack visual cohesion.
- The site plan shows a reconfigured parking lot plan that adds 12 parking spaces to the existing courtyard going from 69 spaces to 83. The Condominium Association has to agree to the new parking plan and the additional stairs.
- Permits that are required include a Special Permit from the Planning Board for the use and the setback of one of the additional exterior stairs, a building permit, and approvals by the Board of Health and Wastewater Commission.

- There will not be any exterior work performed from May 20<sup>th</sup> to September 30<sup>th</sup>.
- The applicant has indicated that each apartment shall be rented for a minimum of 12 months.
- DRI 170 first came to the MVC as “Four Flags” in 1984. The project was approved with conditions including phased construction; lighting, landscaping, noise, screening of dumpsters, and defined hours for deliveries and waste disposal. In 2001 the Granite Hardware store came before the MVC with a proposal to expand retail activities in the basement. The MVC approved the proposal with conditions including no retail activities at the off-site warehouse at the Airport Business Park, deliveries by trucks no longer than 18 feet, and an offer to pay the DCRHA \$3,800 to mitigate affordable housing.
- The DRI referral was by the Edgartown Planning Board.
- The DRI Trigger is 1.2 Previous DRI and 4.1a, ten or more dwelling units. 4.1a is a mandatory DRI public hearing review.
- There was a pre-application meeting with staff on July 2, 2013.
- The project was reviewed at LUPC on July 15, 2013 and the project was put on hold at the applicant’s request while he redesigned the parking lot. A second LUPC was held on March 17, 2014.
- A site visit was done on April 3, 2014 and was well attended by Commissioners, the public, and the Edgartown Planning Board.
- Key issues include;
  - Does the reconfigured parking plan work? Does it conform to MVC policies?
  - How would this addition impact neighboring residential and commercial areas?
  - Could the rental units be converted to condominium use in the future? What mechanisms are in place to ensure that these residential units remain as workforce rental housing?
  - How will the design fit in with the existing context?
  - Neighbors have raised concerns that the complex is already overburdened and used as a cut-through by vehicles trying to avoid the Triangle. Will the proposed use significantly increase trip generation to the Triangle business complex and/or impact the circulation?
  - Does the current proposal meet A.D.A. accessibility requirements?
- The landscaping of the parking lot is not clear. Some trees will stay and some will be moved.
- This is not a National Heritage Endangered Species Program (NHESP) habitat.
- The perimeter has a minimal amount of open space.
- Lighting would be the minimum as required by code for the egress.
- Energy and Sustainability:
  - The applicant’s offers state that the new units will meet or exceed the Mass Energy Stretch code.
  - Features will include increased insulation, ventilating Energy Star rated windows, insulated ducts, efficient heating and cooling systems controlled by Z-Wave programmable thermostats, and LED or fluorescent lights. All doors, windows, heating units, and hot water will be Energy Star rated.
  - The applicant will perform a blower-door test of the completed structure, or other method, to demonstrate the measures were effective.

- Wastewater and Stormwater:
  - Since the complex was before the MVC in 2001 it has gone from septic to being connected to the Town sewer.
  - The applicant has not been to the Town Sewer Board yet to get approval for the additional flow.
  - The applicant will be relocating some of the existing storm drain system as part of reconfiguring the parking lot.
- Priscilla Leclerc prepared a draft transportation study for the March 17, 2014 LUPC meeting, prior to receipt of the applicant's revised parking plan submitted on that date, and updated the study for the April 3, 2014 hearing.
- The proposed year round rentals will be at fair market value ranging from \$1,200 to \$1,500 monthly rent; it is not clear whether that includes utilities.
- The proposed project is primarily targeting workforce housing for single professionals and couples earning roughly between 100% Area Median Income to 130% AMI which according to HUD the Area Median Income for Dukes County is a range from \$61,700 to \$91,800 with some deviation.
- The applicant has offered to provide a one-time monetary mitigation of \$35,600 which is 20% of the current assessed value of the second-floor condominium. The total assessed value for Building C and D is \$3,749,100, 20% of which is \$749,820.
- The proposal would provide needed year-round rental units for Martha's Vineyard housing stock.
- The annual property tax revenue will increase significantly after the renovation is complete.
- Quite a few letters were received from the public. Most letters were in opposition to the project and were also concerned about the cut-through traffic.
- The parking lot is to be reconfigured and the plans were reviewed. The re-design creates more parking spaces and better flow of the parking lot.
- Bike racks have been added.
- Site photos were reviewed as well as the first floor plans for Building C and the proposed second-floor apartments.
- There is concern about trimming some of the cedars at the back of the building.
- Elevations were reviewed of the proposed gables and the exterior staircases as well as the view of Building C from inside the parking lot.

**Leonard Jason** asked if there were any conditions when the DRI first came to the Commission.

**Paul Foley** said the conditions were phased construction, lighting, landscaping, noise, screening of the dumpsters, and defined hours for deliveries and waste disposal. **Leonard Jason** said he remembered the abutters were adamant about nothing taking place in the setbacks.

### **3.2 Applicant's Presentation**

**Sean Murphy** presented the following:

- He is representing the applicant Haven Road Realty Trust and introduced Charles Orlando (architect) and George Sourati (engineer).
- The applicant has numerous rental units and that is a main focus of his business. The applicant builds quality units.

- The current elevations were reviewed as well as the herringbone parking layout.
- One of the proposals is the reconfiguration of the parking lot.
- Under the B-2 District zoning, the project is eligible for a Special Permit for apartments.
- When the project was first discussed the word affordable was used to describe the rent but it is actually reasonably priced rentals.
- It is a private project on private property with private financing.
- The intention of the project is to fill in a missing demographic in housing on the Island. There is a gap; if you make enough money you are not eligible for affordable housing but you do not make enough to buy a house. That gap is the target market, namely for the year-round workforce.
- The apartments are not wheelchair accessible.
- The finishes include granite counter tops and wood floors. The materials used are for durability and designed for the year-round workforce. The project is not high-end luxury housing.
- The location was chosen because of the smart growth principles: on town water, within walking distance for daily needs such as the bank, post office, groceries and pharmacy. The project should not have any impact on traffic.
- The neighborhood has traffic concerns and issues about the parking. With the reconfigured parking lot 14 to 15 parking spaces have been added.
- The number of people in each unit has been restricted to minimize the parking issue.
- The applicant understands why the neighbors of Dark Woods Road are concerned and frustrated about the cut-through and the traffic. Whether the apartments are built or not won't change the cut-through traffic. The people who cut around traffic are Island residents. Additional traffic will likely not be noticeable per the MVC traffic report.
- The landscape plan exceeds the MVC policy. Nine new trees have been added to the existing five trees that will be moved to break up Building C.
- A benefit of the proposal is the parking lot will be reconfigured to be safer, work better and look better.
- The building C plan was reviewed. The staircase varies from six to eight feet to the property line. On the Dark Woods side there is eleven feet from the building to the property line and six feet from the stairs to the property line.
- For Building D, it is eleven feet from the stairway to the property line and is heavily screened with evergreens to meet the MVC planting list.
- In between the Post Office and Building C, there will be a covered stairwell.

**Charles Orlando** presented the following.

- The proposed drawings for Building C and Building D were reviewed.
- The quality of the units is excellent with durability; our charge was to be sure the materials used last for forty to fifty years.
- The units range from 900 s.f. to 1,400 s.f.
- The units will meet or exceed the current Mass Stretch Code and all appliances are Energy Star rated.
- There will be sound proofing between the retail and the housing units such as R40 or R42.

**James Joyce** asked if all of the buildings have two entrances. **Charles Orlando** said all windows are egress units and all of the units are 100% sprinklered.

**Charles Orlando** continued.

- The units have cross ventilation. Programming analysis was done to try and determine what is going on for the outside and similar buildings in the area were also looked at.
- The existing photographs were used and new elevations were drawn based on the existing building to show how it looks now and how it will look for the proposed project.
- The ridge is constant throughout and it is twenty eight feet and will be maintained throughout the project.
- Screening of the buildings will be achieved with the trees.

**Linda Sibley** questioned the existing landscape not being shown on the renderings. **Charles Orlando** said all the plants will be retained and if the existing landscape was shown on the renderings the buildings might not be seen.

**Charles Orlando** continued.

- Renderings were shown of Dark Woods versus the proposed project.
- The landscaping will remain or be transplanted. There will be 14 to 16 foot mature trees in front of the Post Office.
- Materials to be used include natural cedar trim painted white, architectural roof shingles and windows with excellent sound value and heat loss properties.
- Exterior views were shown as the property exists today and for the proposed project.
- All the Locust trees will be saved.

**George Sourati** presented the following.

- The existing parking lot layout was reviewed. There are 69 parking spaces, 2 handicap spaces and the loading zones.
- The current parking lot is very disorganized. Cars are not directed and it is not ideal by any means.
- For the proposed lot the goal was to create a safer lot and at the same time create a more organized parking lot. More spaces have been created, 14 to 15 spaces.
- The parking spaces were also widened from the current eight feet to nine feet wide, which is the standard width.
- Green areas were created with the vegetation and the trees. The proposed project will create a substantial amount of green area.
- A sidewalk has been provided from Edgartown-Vineyard Haven Road next to Granite. Another sidewalk was added alongside the Post Office building.
- With regards to traffic flow, the entrances are not changing but everything else is. Vehicles can enter the lot, go all the way around the lot and exit or a vehicle can get into a space quickly and with a shorter loop.
- With the redesigned lot, the width allows for 22 feet on a one way flow and 24 feet on a two way flow.

**Joan Malkin** asked at what point the traffic becomes one way. **George Sourati** said the entire traffic flow is one way except in one location by the Post Office and it is a great improvement over the current lot.

**Madeline Fisher** asked how many handicap spaces are currently in front of the Post Office.

**George Sourati** said there are two and no other in the lot for Building A, B or C. The project is

proposing to create one space in front of each building. Two handicap spaces will be gained with the proposed plan.

**James Joyce** asked how the snow removal will be handled, is there a plan and will the plan eliminate parking spaces. **George Sourati** said the snow removal will be handled the same way that it is now and there is no removal of the snow from the lot.

**George Sourati** continued.

- The proposal is not changing the stormwater. There is no increase in the building footprint.
- The project is planning to install gutters and drywells.
- The parking lot is increasing the pavement area and at the same time increasing the green areas so the stormwater situation is not being made any worse.
- Originally three drainage pits were installed under the pavement. After several years the parking lot started to flood. The condominium owners hired an engineer and the plan included installing four drains in 2009 and the system is functioning and the lot has not flooded.
- There is a drainage problem by the town parking lot and Dark Woods Road. It is his understanding that the Fire Department comes and pumps out the area. The reason for the flooding is that most of the water is coming from Dark Woods. The paved road in the subdivision has nowhere to drain except downhill into the town lot.

There was a discussion about the drainage.

- **John Breckenridge** asked if the applicant is introducing a vegetative buffer. On the Dark Woods Road side there is shrubbery. Through landscaping and non-costly directives, there could be drainage of water and it would complement what is already in place.
- **George Sourati** said at this time the proposed project is not planning to tear out all of the asphalt. The drainage won't be any worse.
- **Linda Sibley** said we are asking the applicant to make it better.
- **Sean Murphy** said perhaps the plan can be revised to create something to change the pitch and help alleviate the puddling.

**Sean Murphy** presented the economics of the project.

- The rents are anticipated to be at the lower end of the market rentals and market rates.
- The apartments will provide stable and clean year-round rentals for people who are outside the affordable housing range.
- According to the Housing Needs Assessment, housing is needed for those making \$89,000 per year.
- The project is reasonably priced housing and not affordable housing.
- The margins for this project are not what the public thinks they may be. The applicant builds apartments and wants to build on the Island since there is a need for workforce housing.
- The estimated cost for the project is \$2,500,000 and it is a long term investment that the applicant is willing to make.
- The project fits with the Island Plan even though many of the letters received said the project is the right idea but in the wrong place. But per the Island Plan the location is the correct place as it is close to the bus lines and provides additional housing options.

- With regards to the affordable housing contribution, the condominium units are assessed and based on that assessment is how the monetary contribution was determined. The units are assessed at \$91,000 each and the applicant is willing to pay the 20% contribution. The applicant feels the number is the correct amount and it meets the MVC policy. It is uncertain why a higher assessment was noted.
- The applicant feels this is the right project in the right location. The traffic issues will still be there even if the apartments are not built. The project will eliminate a lot of the current issues and the stormwater issues will be worked on.

**James Joyce** asked for clarification about the wastewater. **Sean Murphy** said the project is allowed to tie into the sewer as part of the B-2 District. **George Sourati** noted that the tie in has not officially been applied for.

### **3.3 Commissioners' Questions**

There was a discussion about the landscaping.

- **Linda Sibley** said based on the site visit there is considerable space between the property line and Dark Woods Road. Some vegetation was shown on the plans for that area but she is concerned about where the property line is with regards to vegetation, other than grass, and can the applicant assure that the vegetation won't be damaged.
- **Charles Orlando** showed the property line with regards to the vegetation.
- **Sean Murphy** said when the easement was granted the plantings had to be done. Foundation plantings were put in by the Four Flags Condominium and if they are disturbed the applicant will put them back. If Dark Woods says the vegetation is on their property the applicant will move it if requested.
- **Charles Orlando** said Sourati Engineering pinpointed every tree and shrub.
- **Sean Murphy** added that if the plants are moved for construction purposes the applicant will put them back and George Sourati will mark the property line.
- **Charles Orlando** said the exterior stair can be redesigned within code and it can be brought back closer to the building so the vegetative growth is not touched and if it is touched it will be replaced.

**James Vercruysse** asked what happens to the tenants on the first floor during construction and will they be displaced. **Charles Orlando** said the applicant will try to keep them happy during construction. The buildings are being constructed in a three-car parking space area. There will be dust control by dropping tarps and plastic to keep the dust in. A steel structure is in place so there will not be a lot of framers working in an out-of-control atmosphere. The first-floor tenants will not be displaced.

**John Breckenridge** asked for an overview of the current business hours. **Sean Murphy** said Granite operates from 8:00 a.m. – 5:00 p.m. and until 4:00 p.m. on Sunday. Edgartown Meat and Fish is from 7:00 a.m. – 5:00 p.m. and until 8:00 p.m. in season. Building C has a 24 hour ATM the mattress store which is 9:00 a.m. – 5:00 p.m. and a real estate office and a small antique store that both have daytime hours. Martha's Vineyard Savings Bank is open until 5:00 p.m. Monday to Friday and the Post Office is 7:30 a.m. – 5:30 p.m. and on Saturdays until 2:00 p.m.

**John Breckenridge** noted the project's business model is that the tenants would be leaving early in the morning and coming back after the businesses are closed. **Sean Murphy** said that is the anticipation.

There was a discussion about tenant parking.

- **John Breckenridge** asked if there are any restrictions in the condominium documents about leaving a car in the parking lot during the day.
- **Sean Murphy** said there is not and 14 parking spaces are being added.
- **John Breckenridge** asked if the business model changes to 7:00 a.m. – 8:00 p.m. for all, are the residents allowed in the Edgartown parking lot overnight for 24 hours.
- **Sean Murphy** said the Edgartown parking lot is a 24 hour town lot and the Post Office drives the parking.

**John Breckenridge** noted there may be children with the prospective tenants and asked if there is any play area. **Sean Murphy** said the applicant does not anticipate families renting the units and thinks the tenants will be younger couples but the applicant did not want to eliminate the possibility.

**Fred Hancock** asked whether there are subletting restrictions. **Sean Murphy** said the units cannot be sublet and management will be on site fairly regularly or daily.

**Christina Brown** asked if it is the applicant's intent that the offers would continue no matter who owns the individual units. **Sean Murphy** said the intent of the conditions is that they will continue regardless of ownership.

**Joan Malkin** asked if the bike rack is being moved. **Sean Murphy** said the original plan was a 32 station bike rack out front and Priscilla Leclerc suggested breaking up the bike racks throughout the parking lot and that has been done.

**Joan Malkin** asked how the parking works and where it is a two way traffic pattern. **Charles Orlando** reviewed the parking flow on the plan.

**Trip Barnes** asked if there is any protection to not sell the units off as condominiums. **Sean Murphy** said the owner's intention is to always have the units as rental apartments. The applicant has never sold any of his rental units but something could be established for that issue to provide a comfort level. It is not a planned intention or goal to sell the units as condominiums.

There was discussion about the rent.

- **Joan Malkin** asked if the rent will be pegged to AMI.
- **Sean Murphy** said rent is proposed to meet that. It is space above retail operations with no outside space so the anticipation will be at the lower end of the rental market.
- **Linda Sibley** asked if the applicant could provide rental rate information.
- **Joan Malkin** said the rent plan sounds reasonable but would like something to indicate it would not increase/change.
- **Christine Flynn** said she can provide fair market rents from HUD.

There was a discussion about the parking lot.

- **Brian Smith** asked if the applicant owns the parking lot.
- **Sean Murphy** said agreements have been made with Units A and B of the Condominium Association. The applicant owns Building C & D so he owns 50% and is

reconfiguring the parking lot at his expense. This has been worked out with the condominium owners and the agreement can be drafted.

- **James Joyce** asked if there are any assigned parking spaces.
- **Sean Murphy** said the parking lot is open parking.

### **3.4 Testimony from Public Officials**

**Bob Sparks**, Chairman of the Edgartown Planning Board, said the Planning Board members are elected officials. Two of the letters received by the MVC complained about the Planning Board stating that the Board is unofficial and unprofessional. The Board does what is in the best interest of the town and he found it outrageous that the Board would be spoken about with disregard and he wanted to defend the Board.

**Mike McCourt** of the Edgartown Planning Board said the site visit was very informative. Some of the questions from that visit have been answered. The parking situation is a concern of all of us including the truck traffic supplying businesses in the Triangle. If the project has been approved by those businesses and they think the parking plan is good then he is all for it. The traffic situation is a big time issue at the Triangle especially going into the fork and that won't really change. The drive-thru traffic helps to save a lot of bad traffic on the Edgartown-Vineyard Haven Road. There is abuse with the drive thru but he felt it is less than is believed. The project provides reasonable affordable housing. It is a big project in an area that is highly concentrated and if planned carefully it could work. On the negative side of the project is the egress. He was involved in a fire years ago where two people lost their lives and that had to do with egress. He is concerned about the egress with this project and especially with the second egress being a window. He believes there is a way around that with common hallways and a staircase.

**Fred Hancock** asked if the Planning Board Special Permit process allows the Planning Board to address the second egress. **Sean Murphy** said it did.

**Katherine Newman** asked if the project fits into the Upper Main Street Plan. **Bob Sparks** said it did and the plan looks for housing in that area.

**W. Karl McLaurin** excused himself from the meeting.

### **3.5 Public Testimony**

**Fred Roven** questioned the parking and is concerned about the nature of the parking. Most of the parking is short term for the Post Office, bank, ATM, Granite and Edgartown Meat and Fish. He asked if there is some way to differentiate active or short-term parking. There needs to be some distinction for short-term parking. Other areas on the Island have found ways to do that. The tenants will want to park as close as they can to their unit. There is more of a danger with cars speeding through as a pass-thru especially during the season. The drainage is also an issue.

**Sean Murphy** thought all the parking was short term.

There was a discussion about the pass-thru traffic.

- **Fred Roven** said there had been an approval to block the pass thru or make it one way.
- **Linda Sibley** noted that at one time the condominium association blocked the pass thru with a planter and it was removed.

- **Christina Brown** said it was up to the Planning Board and the record can be looked at for the final information with regards to blocking the pass thru.

**Kevin Ryan** said safety is a big issue for everybody. He is at the meeting because the project does not make sense to him as someone who drives through the area and uses these areas. It was mentioned that children may live in the apartments. Fourteen parking spaces are being added to the parking lot with the addition of twenty bedrooms and there is no mechanism to control the number of cars or subletting of the apartments. His biggest concern is who or what enforcement will there be such as no more than two vehicles per apartment. The reason herringbone parking was designed was to slow down the traffic in the lot and to make it safer even though it is horrible to use. It is unrealistic to add only fourteen spaces. Snow removal should be an ownership requirement to remove it from the site, but who would enforce that. Where will the people who live at the apartments socialize? Do they hang out in the parking lot? Right now it is known that parking is a disaster in the parking lot but the only way to solve the traffic problem is with a wing road. The Triangle is the second worst intersection on the Island. It has been noted that the project will be stable, clean affordable housing. Where is the trash to be kept and not just day trash from the businesses but the garbage, bottles and noise of disposing of the trash from the tenants? Extra stress will be put on this location and the neighbors. There are no elevators for the buildings. A handicapped individual cannot rent here and that is not okay. He asked the MVC to listen to the people of the towns and really take a long time to review this project.

**Brian Byrne** lives and works in Edgartown and walks to the Post Office every day. He attended the LUPC meeting and as a realtor he walked away thinking how can the MVC sit and talk about discrimination regarding age and who the apartments can be rented to with regards to the Fair Housing Law. The Commission was talking about empty nesters and it puzzles him when he hears those kinds of comments. He gets calls on a daily basis from people looking for rentals. He applauds Sean Murphy with what has been done on the project and especially with the traffic. He wants to be sure that everyone is tuned into the laws of the Commonwealth of Massachusetts with regards to rentals.

**Diane Smith** is concerned with the issue of enforcement. There is no way to enforce the lot with public officials because it is a private lot. The latest Mass DOT database information shows only two crashes were reported on the Edgartown-Vineyard Haven Road. As an EMT she knows there are more but the accidents are just not reported and therefore don't become part of a valid argument.

**Harriet Hoar** applauds what Kevin Ryan has said. The current owners may have all the best intentions. Everybody eventually will have the opportunity to own the property. There is no way to enforce who will live there. There is so much violation on the Island on how many people are crammed into one space. There will also be cars and the possibility of forty or more vehicles in the area will hinder the businesses.

**Jeff White** said he does not have a horse in this race and he is not an abutter and has no business interest in the project. He will try to not be redundant. He is very grateful that the MVC exists and people in general don't realize the good that the Commission does and why the MVC exists. Many of us support the difficult development that the Commission struggles with and counts on the MVC to be the honest broker. The Commission supports the interests of many. The Edgartown Lofts project supports a very valid need on the Island and the question is if the

proposed location is the right place for the project. The area is just too dense. The density of the area and the congestion has exceeded acceptable levels for traffic on the Edgartown-Vineyard Haven Road, safety and the scramble to exit and enter. Cars are speeding through Mariners Landing. He is skeptical that the improved flow that is being suggested will mitigate today's issues. He encourages and hopes the MVC will look at the data closely so the best can be done for many people. Many and most people who choose to call the Island home appreciate the quality here and have escaped the urban congestion. Let's not jeopardize that viewpoint. Parking spaces even with the change of the flow and the change of the design of the parking lot will not change the congestion. It is beyond him how construction can be done on the second floor of the building without impacting the current tenants below and the businesses. Safety is paramount. The target market that is being talked about can't afford a home so rentals are needed but these are also the couples that have or will have children. Is this the place to have a community of families? With regards to useable parking spaces, if eight spaces are under mounds of snow today either something has to be done about the snow or reduce the number of useable spaces. He understands the issues with snow removal he has his own mounds on his property. If there is a consensus that there is a problem with traffic why are we talking about bringing forty additional people into the situation?

**Patricia Dion** said the condominium owners approved of the parking so perhaps they could have more control over the parking lot as a condominium association.

**Cliff Meehan** said if approval for ten apartments is approved it will grow to twenty apartments.

**Fred Fournier** said the location is in his backyard. Dark Woods does contribute to the drainage issue. There is a pseudo bio swale that does occasionally have to be pumped out and it is everyone's responsibility as far as drainage goes. The fence is on Dark Woods property and it also looks like the plantings are on Dark Woods property. He thought a variance should be asked for the stairways to be put in. If the project goes through, Dark Woods would move the fence and it would give little area to plant. The fence is approximately twenty feet over the property line. Coming down Dark Woods Road the stairways will be seen. There is a lot of congestion that comes out of the town parking lot and Post Office Square. Puddling does occur and there are a few sink holes. He applauds the aesthetics of the plan especially since Post Office Square is in horrible condition. He asked the applicant when it is planned to move the trees. The trees are 12 to 14 feet in caliber and will need a 12 to 14 foot ball and the impact on the parking lot will be huge when the trees are moved. A bio swale will take some of the water off the parking spaces. Some infiltrators are working properly but the big issue is when there is snow. An issue is the convergences of traffic onto Dark Woods Road. There are thirty to forty families that live in Dark Woods. Dark Woods is a Vineyard Open Land Foundation development with conservation land and the residents are great stewards. To have stable housing in this area is a good plan but the location is the wrong place. If the applicant is allowed to build the project he asked that the staircases that are visible from Dark Woods Road be screened. The Master Plan from 1989 says revisions can be made but he does not believe there have ever been any revisions. He believes the traffic study is a little flawed; it does not take into consideration the backup at the Triangle and believes the traffic study should be looked at. A fairly good job is done now with plowing the snow but snow will be plowed into the green belts and that will damage the trees and snow will be plowed into the parking spaces. He does not believe the parking lot plan will work as well as has been shown. The visibility might be a little skewed in the parking lot. A big item is putting the

apartment units on top of the existing buildings and it impacts the neighborhood. Dark Woods has an association and abides by it as well as Sheriff Meadows.

**John Breckenridge** asked Fred Fournier for information about the Locust trees and if trees with lower branches or perhaps a big crown might be preferable. **Fred Fournier** said trees with a more horizontal branching habit would work since the trucks have been hitting the trees. Maple or Sycamore trees would work well and a bigger canopy is more desirable. Degradation of the trees will happen quickly like the Stop & Shop parking lot. The landscape plan looks good on paper but functionality is another thing.

There was a discussion about moving the fence.

- **James Joyce** asked why Dark Woods feels they would move the fence.
- **Fred Fournier** said to show where the Dark Woods property line is. The association likes where it currently is located and the quaintness and restrictiveness of it. If additional cars are put in the lot there is a conveyance on Dark Woods Road.
- **Brian Smith** noted that Fred Fournier said if the project is approved Dark Woods would move the fence and that did not seem very neighborly.
- **Fred Fournier** clarified that Dark Woods would have the right to move the fence.

**Mark Cicone** said his house directly abuts the property and he is for the greatest good for the greatest number but this project ends life for his home. But if the project is for the betterment of the town he guesses he should be in favor of it but it still affects his house. He will see the construction going on. Where the stairs will be located in the back, the area is very narrow and currently a lawn mower can barely get through the space. He can see all kinds of noise in that location at all hours. He asked the MVC to please make sure they have this one nailed and the project does not have consequences for all of us.

There was a discussion about the back staircase.

- **Katherine Newman** said she hears the concerns about the outdoor staircase in the back and asked if it accesses one or two apartments.
- **Sean Murphy** said the staircases access one or two apartments.
- **Katherine Newman** asked if there is a way to move the staircase inside.
- **Sean Murphy** said the outside staircase can be enclosed and he will talk with the architect about an interior stairwell.

**Linda Sibley**, Public Hearing Officer continued the public hearing until April 17, 2014.

There was a discussion about information to be presented at the next public hearing.

- **James Joyce** said he would like information on sound control.
- **Fred Hancock** would like the applicant to speak about the trash issues.
- **Leonard Jason** would like the applicant to address the phases of the project.
- **Christina Brown** would like more information on the ongoing conditions, tenancy, and permanence.
- **Linda Sibley** asked the Commissioners to contact staff if they would like anything else addressed.

The meeting was adjourned at 10:00 p.m.

