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Minutes of the Commission Meeting Held on July 17, 2014 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

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)	P Doug Sederholm (E-Chilmark)
P Josh Goldstein (E-Tisbury)	P Linda Sibley (E-West Tisbury)
P Erik Hammarlund (E-West Tisbury)	P Brian Smith (A-West Tisbury)
P Fred Hancock (E-West Tisbury)	- James Vercruysse (A-Aquinnah)
- Leonard Jason (A-County)	
P James Joyce (A-Edgartown)	

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Planner), Christine Flynn (Economic Development and Affordable Housing), Sheri Caseau (Water Resource Planner), Priscilla Leclerc (transportation Planner).

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

1. MINUTES

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

James Joyce moved and it was duly seconded to approve the minutes of June 19, 2014 with the following corrections as noted by Erik Hammarlund on line 355 to revise the word tends to fails and by Doug Sederholm on line 74 to correct "askew" to "asked". Voice vote. In favor: 12. Opposed: 0. Abstentions: 1. The motion passed.

2. NEW BUSINESS

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

2.1 Scheduling

Fred Hancock, Chairman said that the third Thursday of August falls during the Agricultural Fair and traditionally the MVC does not meet during the Fair.

Linda Sibley moved and it was duly seconded that the regular Commission meeting in August will be held on August 7. Voice vote. In favor: 13. Opposed: 0. Abstentions: 0. The motion passed.

There was a discussion about the scheduled meeting times.

- **Fred Hancock** noted the Commission will also meet the second week of August.
- **Josh Goldstein** asked how many meetings is the Commission required to have per month.
- **Fred Hancock** said the MVC is only required to have one meeting, but meets more often because it has a duty to applicants before the MVC to move things along in an expedited fashion.
- **Fred Hancock** noted the Nova Vida Alliance Continued Public Hearing is scheduled for August 7, 2014 and deliberation and decision could possibly be held on August 14, 2014.
- **Doug Sederholm** said he would not be able to attend the August 14, 2014 meeting.

2.2 Announcements

Erik Hammarlund reminded the Commissioners to file their petitions if they were planning to re-run for the Commission and anyone interested in running also needs to submit their petitions.

Christina Brown said there was an editorial in the paper about running for a Commissioner position and it noted that the MVC always needs new faces.

2.3 Planning and Economic Development Committee (PED) Report

Christina Brown noted that at the last MVC meeting, the Commissioners were asked to look at the Transportation Improvement Program (TIP). That is a document that designates how the state and local authorities will spend the funds on roads and other improvements for coming years. Some Commissioners had questions of how that document is put together. PED is planning a meeting on September 11, 2014 at 5:30 p.m. to look at the TIP as well as the Unified Planning Work Program that outlines how the MVC staff will be spending its time on transportation activities. In addition the Island Roads Committee will be looking at how the Island's roads are being improved and maintained with respect to the character of the Island. She encouraged Commissioners as well as the public to attend.

2.4 Oak Bluffs Downtown Streetscape Master Plan

Christine Flynn said the Oak Bluffs Downtown Streetscape Master Plan Committee is having kick-off meetings on July 23 and July 24, 2014. A Public Visioning Session is at the Oak Bluffs Library from 7 to 9 p.m. on July 23, 2014 and there will be an Open House at Union Chapel on July 24, 2014 from 9 a.m. to 5 p.m. The Visioning Session and Open House are to contribute ideas for improvements to Oak Bluffs streets, sidewalks, lighting, parking, vehicle/pedestrian/bicycle circulation, landscaping, branding and way-finding. She encouraged everyone to observe or attend.

W. Karl McLaurin joined the meeting.

3. LAGOON RIDGE SUBDIVISION (DRI 464-M2) PUBLIC HEARING

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

For the Applicant: David Danielson, Bob Fitzgerald (Civil Engineer)

Linda Sibley, Public Hearing Officer opened the public hearing at 7:15 p.m. and read the public hearing notice. The location for DRI #464-M the Lagoon Ridge Subdivision is Double Ox Road (off Barnes Road, Oak Bluffs Map 35, Lot 3 (32.5 acres). The applicant is David Danielson and the proposal is a Form B Preliminary Plan for a proposed subdivision of approximately 32.5 acres of land to create 23 lots with up to 25 dwelling units. The public hearing process and procedure was reviewed.

3.1 Staff Report

Paul Foley presented the following.

- An overview of the area was shown.
- The property is in the Lagoon Pond watershed which is nitrogen sensitive.
- The Danielson property was the subject of DRI 464 in 1998 in which the property was divided into three parcels. Two 1.5-acre lots were created off Barnes Road and the large Lot 3 (32.5 acres) was left for the future. Conditions included providing Oak Bluffs with a walking/biking easement over the ancient way, a 20-foot easement along Barnes Road for a bike path, and including the two DRI 464 lots in affordable housing calculations for future subdivision, such as this one.
- The area is zoned R-3 Residential (minimum lot size is 60,000 s.f. = 1.37 acres). The applicants' plan on utilizing Section 7.3 Flexible Development provision of the Oak Bluffs Zoning By-laws which allows density bonuses for certain obligations such as affordability, over-55 housing, and open space.
- Local permit needed is the Planning Board for a Form B Preliminary Plan.
- The surrounding land use is rural residential.
- All units would be for sale at market rate except that two or three lots or units will be donated to Habitat for Humanity for affordable housing.
- According to the applicant, the proposed "Flexible Development" would contain four more dwelling units than allowed by standard zoning through preservation of at least 60% open space and future units for people over the age of 55.
- Existing trails will be maintained, namely the Jib Stay Trail and cross-Oak-Bluffs ancient way. The Martha's Vineyard Land Bank has written asking the MVC to examine the possibility of a lateral trail connecting to Barnes Road. The Land Bank suggested that that any later trails be protected via recorded easement. The Land Bank noted the attention paid to trail planning, in particular, the north-south ancient way, which is part of a spine trail which runs from the town center down into the State Forest, is slated for protection. The Land Bank recommends, however, that the nature of the protection be specified in the final MVC decision and the Land Bank recommends that a trail easement over it be conveyed to the Oak Bluffs Conservation Commission or a like grantee.

- The property is mapped as habitat by the National Heritage Endangered Species Program (NHESP). The changed rules by NHESP no longer require this property to retain 68% open space.
- The site plan was reviewed in detail.
- The project would be built in three clusters.
 - Cluster A is four lots with four homes with three to five bedrooms each and is located at the top of the plan (southeast) which connects to the Pond View Subdivision.
 - Cluster B is four standard lots with four homes with up to three bedrooms each and would be located at the bottom of the plan on an extension of Double Ox Road, off Barnes Road.
 - Cluster C is Phase 2 and sales of Cluster A and B would enable the development of Cluster C. Cluster C is fifteen small lots with up to seventeen dwelling units, including two duplexes, of which six to eight would be over-55 units. One of the lots (Lot 12) in Cluster C may become a community house.
- The proposed “Flexible Development” would contain six to eight units of deed restricted elder housing (“over-55”) built to near “universal design” standards in Phase 3, Cluster C. The deed restriction will only apply to the age of the homeowner and not their income affordability.
- A package treatment plant would be built to treat the sewage of units in Cluster C. Units in Cluster A and B would have individual septic systems with de-nitrification
- Key issues include:
 - How will the project mitigate nitrogen loading into the Lagoon?
 - Does the plan adequately protect the habitat? The property is no longer under MEPA review but there has to be a letter of record indicating the plan has nine acres of preservation restriction and after the year that the project is done it has to be proven the restriction is in place. Fences also have to be in place showing the limit of work.
 - **Doug Sederholm** asked if there is a copy of the MEPA letter and can it be posted.
 - **Paul Foley** said he has the letter and would post it on the MVC website.
 - Does having three clusters, two of which have large or standard sized lots, really meet the goals of clustering and flexible development?
 - **Doug Sederholm** asked what specifically the Oak Bluffs cluster zoning by-law requires for affordable housing.
 - **Paul Foley** said it requires either 10% of the units to be affordable housing at 50% or less Area Median Income (AMI), or 15% of the units to be affordable housing at 80% or less of AMI.
 - Is there too much density for the remaining open land in the area?
 - It is unclear who will be responsible for the actual development of the housing units.
 - What mechanisms will be in place to oversee the phasing of this development while meeting nitrogen loading limits, affordable housing and open space zoning requirements?

- NHESP expects Lagoon Ridge to pursue a MESA Conservation and Management Permit (CMP) including the following measures:
 - Adequately protect 22.2 acres of on-site habitat for said species.
 - Creation of community by-laws and landowner education.
 - Refined plans to include:
 - Maintain connectivity and contiguity of habitat.
 - Maximize protection through a Conservation Restriction.
 - Minimize impacts with minimal clearing for roads/paving.
 - Use of “dark skies” principles.
- NHESP has since changed their rules about what habitat needs to be protected. Previously the whole property was classified as habitat and the Applicant was being asked to protect 68% of the property as untouched habitat. The applicant’s previous plan did that but not in a contiguous enough way for any local environmental group to be willing to partner with on a conservation restriction. NHESP has reviewed the plans and determined that no MEPA review is required.
- Vehicular access for 19 of the 23 lots would be off of Barnes Road through an extension of Double Ox Road into the Danielson property.
- The agreement with Pond View is that no further extensions of units would be allowed to connect to Sage’s Way.
- 2011 Traffic Study Findings Summary:
 - For the 2016 Build scenario, the LOS value of the three intersections is not significantly altered by the inclusion of trips from and to the proposed Lagoon Ridge development. For the two occasions where the LOS changed from the 2016 No-Build to the 2016 Build, the difference in the delay values are a matter of ten or less seconds.
 - Safe sight distance (SSD) and intersection sight distance (ISD) from the Double Ox Road are adequate and in accordance with ASSHTO published standards.
 - The VTA bus service will provide residents with a means of transportation to commercial areas.
 - The findings of the traffic operation assessments in this report indicate that the proposed Lagoon Ridge development will not generate traffic movements at a level that will unduly inconvenience motorists with extended or excessive delays beyond the existing conditions.
- The homes would not be visible from an Island road.
- No limit on size of houses has been offered.
- Several of the units in Cluster C would be designed to be near Universal Design standards.
- Several rural residences in the woods would now have neighbors.
- Correspondence has been received from James Legyel of the Land Bank, Neal Sullivan, Llewellyn and Beverly Rogers, Don Pescione and Maria Danielson (daughter of the applicant).
- Site photos were reviewed.

Joan Malkin asked if the road off Barnes Road is a public or private road. **David Danielson** said it is a private road.

Doug Sederholm said as he understands the proposal, there is no affordability requirement except for whatever 3D lots. **Christine Flynn** said the interpretation by the Planning Board is to be determined but the by-law is clear. The by-law says 10% of units would be permanently restricted units to people earning 50% of AMI, or that 15% of units would be for people earning 80% of AMI. The proposal is that two lots would be deeded to Habitat.

There was a discussion about Form B and Form C.

- **Linda Sibley** asked Bill Venio to explain Form B.
- **Bill Venio** said for Form B, an applicant would go to the town to get the concept of their subdivision approved so the applicant would not have to go through expense of the engineering without some assurance of what is being proposed is acceptable to the community. Once approval is received at the Form B level the engineering would be done and then the applicant would go back to the town at the Form C level, which is the final plan.
- **Linda Sibley** noted that the MVC would review the proposal again as a Form C.
- **Bill Venio** confirmed that is what has been done in the past. Form B is where the applicant irons out all of the major issues and at the Form C level the applicant does not want a lot of issues coming up.
- **Linda Sibley** said that is why some of the details for this project may not have been presented yet.
- **Christine Flynn** said the Commission at its review process needs to find out if the proposal is consistent with zoning and needs to find out what is acceptable at the Planning Board level.
- **Doug Sederholm** said the MVC can require the applicant to come back with Form C and the applicant would not be able to do anything without the Form C.
- **Linda Sibley** said what Christine Flynn has suggested is that the MVC may not be able to approve the Form B without clarification because that poses the question if the project meets zoning.

3.2 Wastewater/Stormwater Report

Sheri Caseau presented the following.

- She has talked with the applicant and his engineer extensively.
- Lagoon Pond is nitrogen sensitive. The Mass Estuaries Report indicates the Lagoon is significantly over its nitrogen load.
- The MVC policy allows a loading of 3.4 kilograms per acre per year, for a total of 110.4 kg N for the 32.47 acres.
- A portion of the land is located in the Oak Bluffs Water Resource Protection District (WRPOD) and a portion is also located in the Lagoon Pond DCPC.
- If the project is built and conditioned as presented it will meet the nitrogen limits for the pond with Cluster A and C not to exceed 32 bedrooms and Cluster B not to exceed 43 bedrooms.
- Preliminary nitrogen calculations:
 - Final plans are not currently available.
 - The applicant proposes to use an I/A system for eight of the houses and a cluster wastewater treatment for the remaining seventeen houses in Cluster C.

- Nitrogen load for the proposed 8 houses with I/A system at 19 mg/IN is 35.02 kg/yr.
- Nitrogen load for the proposed 17 houses with a cluster wastewater treatment at 13 mg/l is 50.92 kg/yr.
- Nitrogen load for runoff and landscaped areas is 20.86 kg/yr.
- Total proposed nitrogen load for the project if built as presented is 106.8 kg/yr.
- Calculations are based on information submitted that Cluster C would have a wastewater treatment system with effluent discharge of 13 mg/l and that landscaped areas would be deed restricted to 10% of the development envelope.
- Concern is with the cluster treatment system for Cluster C. The whole treatment center has to be built before any of the houses and that is where the affordable housing and over 55 homes would be built. More information is needed on the system the applicant decides to choose as well as how it works.
- The applicant has suggested that Oak Bluffs Wastewater would take over the plant and run it once the system is up and the houses are built. However, Oak Bluffs Wastewater feels they are not ready to commit and need more information and are also not sure if they could take over the operation of the system. Manpower is a concern as well as a five to ten-year plan. The applicant would have to commit to running the plant if Oak Bluffs Wastewater could not.

There was a discussion about the waste treatment plant.

- **Erik Hammarlund** asked if it makes sense that some of the homes are not in the waste treatment plant. Is it more sensible to have all of the homes connected to the plant?
- **Sheri Caseau** said it would make sense if all of the homes were connected to the package treatment plan.
- **Josh Goldstein** asked if there is enough gravity to do that.
- **Erik Hammarlund** said pumps would work.

John Breckenridge asked if Sheri Caseau was talking about nitrogen reduction systems for Cluster A and B at 50%. **Sheri Caseau** confirmed she was and there are systems that can do that. The number being presented is 13mg for the cluster system and removal of 87%.

John Breckenridge asked if the numbers have been seen if all of the homes in A, B and C were in one cluster treatment system. If a substantial reduction could be seen that would be wonderful. **Sheri Caseau** said she would have to ask the applicant's engineer about that possibility.

Linda Sibley asked when the numbers are set for the Lagoon. does it take into consideration the location of the project. **Sheri Caseau** said just the watershed is calculated.

James Joyce asked for clarification on "near universal design standards", what does that mean? **Paul Foley** said it is not exactly A.D.A handicap accessible, but is easier for older individuals to move around in.

There was a discussion about the traffic.

- **Linda Sibley** noted there was public concern about the traffic. The public noted that with the original traffic study there were two access points and now there is only one onto Barnes Road and that is a tricky part of Barnes Road.

- **Paul Foley** said since the impacts wouldn't be bad there is one access to most units.
- **Linda Sibley** asked Charlie Crevo if he felt as he did with his original conclusion that there is little impact.
- **Charlie Crevo** said the number of trips was calculated coming in and out of the facility. He looked at the original study that concluded that the project had very little impact and now there are half as many units so there is still very little impact.
- **Paul Foley** said the sight lines will also be looked into.

3.3 Applicant's Presentation

David Danielson presented the following:

- David Danielson noted the land has been in his family since the mid 1980's and they developed the Tower Ridge development. There were 56 acres and 80 acres were kept in the green belt.
- The family members have been responsible stewards of the land.
- The Form B preliminary plan was approved in July 2013 by the Oak Bluffs Planning Board and referred to the MVC in November 2013.
- Lagoon Ridge is Oak Bluffs first applicant under new Section 7.3 Oak Bluffs' Flexible Development Code which incentivizes clustered dwellings, protecting open space, and meeting priority housing needs for seniors and the Island workforce. If 60% open land is preserved the development is allowed two bonus units under the code.
- The team is comprised of Bob Fitzgerald a civil engineer, Gregory Marcella a registered surveyor, Kristen Reimann who is an abutter and a landscape architect, Neal Sullivan is our affordable housing advisor, and Emmett Carroll is his construction advisor.
- The applicant noted that his middle daughter tried living on the Island and could not make it even with a good job. The Island's median income is 71% of the state's AMI and median home prices on the Island are 54% of the state's. It is hard to find an affordably priced lot to build on.
- The project will offer beautiful virgin woods and lots that have a lot of contour where a house can be built. They want to have a place where affordable homes can be built.
- Surrounding projects include West Meadow, Tower Ridge, Vineyard Hills and Bayes Hill.
- The project will have very few sight lines for the neighbors.
- The plan before the MVC is on land formerly approved as a DRI by the MVC when two Form A lots were sold by the family in the 1990s.
- The overall concept of the project is based on the Island Plan and will be built to the Stretch Code, have open space, and have nitrogen protection for the ponds.
- Twenty one homes will be built under standard zoning and there will be four bonus units for open space preservation and having senior housing.
- Cluster A is an extension of Sage's Way and the four homes are restricted to building envelopes that will average four bedrooms.
- Cluster B, next to the Lagoon, is in the Lagoon DCPC and is located on Double Ox Road and will contain four homes that are deed restricted to smaller building envelopes.
- Cluster A and B are Phase 1.
- The wastewater treatment plant is being done to meet the nitrogen requirements.

- Cluster C is in the center of the property and is fifteen lots with seventeen units including two duplexes. Six units will be for seniors with over-55 occupancy. There is a site for a future community house.
- The units will be energy efficient and the applicant noted that he takes global warming very seriously. The applicant said he has an obligation to put up homes that do not require huge amounts of cooling or heating.
- The Oak Bluffs Planning Board has been offered land for three affordable housing units in Cluster C and no official decision has been made. It will be discussed at the Planning Board meeting on July 23, 2014.
- The existing trails and ancient ways will be preserved and motorized vehicles, except emergency vehicles, will not be allowed.

Bob Fitzgerald presented the following.

- He said the MVC staff has done a great job on the overview of the project.
- The MVC policy was looked at to see what was needed to get the nitrogen down to 110 kg/yr. In order to accomplish that the IA system is needed.
- The systems can easily reduce the nitrogen to 19 parts per million.
- It made sense to have individual IA systems on the stand-alone lots and then a cluster system for the other lots.
- The standard IA system at 19 parts per million didn't work so a system with 13 parts per million is proposed to meet the MVC standards. It is pretty much guaranteed the system will need to be a pump system.
- There are numerous systems for single-family homes. For a cluster system, the system is based on three different technologies. All systems have DEP approval and the applicant would do bids and then do full engineering reports once one of the technologies is selected. The systems require maintenance but are reliable systems.
- David Danielson added that one provider would be selected to do the system for Cluster C and then that provider would also do the maintenance package as well.

John Breckenridge thanked the applicant for his willingness to look at the cluster system for all and asked if there is a homeowner association to oversee all of system maintenance when the applicant is no longer in the picture and is there escrow for that as well. **David Danielson** said there is a plan for the possibility of a homeowner association. **Doug Sederholm** suggested that keeping funds in escrow with a homeowner association could be added as a condition to the DRI approval.

John Breckenridge asked if a Form B can be conditioned that says the Form B would have a package treatment plant. **Doug Sederholm** said the applicant can't build until they do a Form C so it would not need to be conditioned now.

John Breckenridge said a 50% nitrogen reduction makes him yawn but a 90% reduction makes him excited.

David Danielson said in order to make the treatment plant happen, there needs to be one supplier. He said he grew up on the ponds and he does not want to destroy them.

Doug Sederholm said one of the big selling points of the applicant's proposal is the affordability of the Cluster C lots and what will be done to ensure that happens. It's a nice idea

but until prices are seen, the lots may not be affordable to the people that live on the Island. Even a small lot may not be affordable. He asked what the applicant can do to ensure the affordability and noted that he is sympathetic that the applicant is in the business to make money.

David Danielson said he has been trying to get comparatives and it has been hard for lots in this range. Once he has the utilities, septic, and paved roads set up, he would have a better idea of the costs. He did not know what the MVC has done in the past to work around that. On some of the Chilmark instances he has seen prices at 125% to 150% of AMI. He did not think this was the point in time to get into that detail. He needs to go back to the Town and get the Form C first and then would be able to put the roads in, etc. and have more detail and cost information.

Doug Sederholm asked what the added system cost and the maintenance cost is from a Title 5 system to a cluster package for Cluster C. **David Danielson** said the cluster package is approximately \$350,000 and the maintenance is approximately \$25,000 per year. **Doug Sederholm** noted that is approximately \$1,200 to \$1,500 per lot and the answer is "more to come" but the applicant can't make any guarantees at this time.

Doug Sederholm asked if the Mass Estuaries Report was done on the Lagoon and how do those numbers compare to the MVC load limit. **Sheri Caseau** said the report was done and the numbers that it resulted in preliminary numbers to those prepared by Bill Wilcox.

Erik Hammarlund said the affordable lots are of interest, not just to Island residents but also to investors and speculators. He asked how the applicant will ensure the lots are for Islanders and distinguish between potential buyers. **Mark London** said that the MVC has had several projects where the applicant offered to make the units for year-round housing to ensure accessibility for the year-round working population and the MVC has language for that which may be helpful to the applicant for Cluster C. **David Danielson** said where and how the project is marketed will also help.

David Danielson made additional comments.

- He has been in touch with the Tribe with respect to archeology. The site has been searched and nothing has been found. A clause has been put in place to stop construction if anything is found.
- He has received a lot of input from the Town of Oak Bluffs boards and the MVC which has been very helpful.
- NHESP and MESA has approved the project.
- The project will preserve over 60% of the open space and provide housing for seniors.
- The project offers sites for year-round housing that is Down Island in an established residential area.

3.4 Testimony from Public Officials

Bill Alwardt is a member of the Oak Bluffs Shellfish Commission and has fished the proposed area all of his life. That end of the pond is in worse shape than any other area of the pond. The area is a dead zone coming from nitrates. Other buildings in the area are on Title 5 and they are adding nitrogen to the ponds and adding anything else to the ponds would be critical to the ponds. Oak Bluffs doesn't have a plan in place to sewer anything in the near future. Until some effort is seen in removing nitrates he does not see anyone adding to it. He grew up on that pond when there were fish and shellfish in the pond. He monitors the pond by having a bay scallop

fishery and there isn't one in Lagoon Pond. Until something is done to reduce the nitrogen he doesn't care what is promised. He wants to see things start to get done and not hearsay or wait another thirty years. The community will see the pond die with over building. There is not one development on this Island that has laid sewer pipes and thinking of the future.

Marie Doubleday is the Chairman of the Oak Bluffs Affordable Housing Commission. She has polled a couple of the commissioners and the commission does not make any recommendation but appeals to David Danielson to come back to the commission and work with them. The Oak Bluffs Housing Trust also comes into play. She also invited David Vigneault and Philippe Jordi to meet with the Oak Bluffs Housing Trust and asked if David Danielson would be amenable to that.

David Danielson said he would call them to set up a meeting.

Linda Sibley, Public Hearing Officer, asked whether there were any members of the public who could not come to the next public hearing. Hearing none, she continued the public hearing until September 4, 2014.

David Danielson asked if he can continue to clarify things with the Town of Oak Bluffs. **Mark London** suggested that he continue to do so.

Fred Hancock, Chairman recessed the meeting at 8:45 p.m. and reconvened at 8:50 p.m.

4. ISLAND HOUSING TRUST/6 WATER STREET-AFFORDABLE HOUSING APARTMENTS – DELIBERATION AND DECISION

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

Erik Hammarlund recused himself from the meeting. **John Breckenridge** and **W. Karl McLaurin** excused themselves from the meeting.

4.1 Land Use Planning Committee Report

Linda Sibley, LUPC Chairman, said the LUPC met on Monday July 14, 2014 and as the applicant has said there are still some details to be nailed down. The benefits and detriments were reviewed at the meeting. Fred Hancock made a motion at LUPC to recommend to the full Commission to approve the DRI with the offers as clarified and with the proviso that the landscape plan including the vehicular drop-off, architectural details and the stormwater plan will come back for review and approval of the LUPC before a Building Permit is issued.

4.2 Commissioners Discussion

Katherine Newman asked if there is a decision as proposed by LUPC, but the specifics have not yet been finalized, what clout does the MVC have to ensure the project is done correctly.

Linda Sibley said there are details that are addressed in the offers and they could change but only with the MVC's permission.

Christina Brown asked if the MVC states the stormwater will be handled on site. **Fred Hancock** said that is what the applicant has offered.

There was a discussion about the number of units.

- **Trip Barnes** said he was very disappointed that he was not taken seriously when he asked about the costs of the project and the number of units being built. The project could be nine units. Especially with the number of people looking for affordable housing, this project could address that and it is needed badly. The land was donated and it will take \$1,200,000 to develop. He felt very strongly that the MVC should delay the project until it can be maxed out.
- **Fred Hancock** said the applicant brought their plans to the Commission. The MVC does not tell the applicant to make projects bigger, the MVC's job is to vote on the plan as proposed.
- **Doug Sederholm** said he disagrees with Trip Barnes but procedurally Trip Barnes could move to condition to increase the number of units to be eight or nine.
- **Linda Sibley** said the question came up at LUPC regarding increasing the number of units. The applicant said they worked with the Town of Tisbury and the proposed plan is the plan they felt worked best. Trip Barnes can make a motion if he wants to.
- **Trip Barnes** said he brought the number of units up with the Town.

Trip Barnes moved, and it was duly seconded for discussion purposes, to re-design the plan to have eight units.

- **James Joyce** asked whether the number of units could be left open so the applicant would have the opportunity to create up to eight units, rather than vote that the proposal be eight units. The project could be approved with language of up to eight units.
- **Linda Sibley** said that Trip Barnes brought up the number of units at LUPC and the applicant stated they had worked on their plan and the proposed number of units is what was decided to work best for the plan. She thought the MVC would have to re-open the public hearing if two units were added.
- **Mark London** believed the public hearing process would need to be started over again if the number of units was increased. Public notice was given for a project with six units, the scope of the project can be decreased but not increased.
- **Doug Sederholm** said Trip Barnes made a motion and it should be voted on.

Voice vote. In Favor: 1 Opposed: 10. Abstentions: 0. The motion did not pass.

Linda Sibley moved to approve the plan with conditions requiring that the landscape plan including the vehicular drop-off, the architectural details, and the stormwater plan come back to LUPC before the Building Permit is issued.

- **Doug Sederholm** said the energy offer needs clarification. If the funding cannot be obtained for the solar panels at the time of construction, will the applicant install the conduits? **Philippe Jordi** said yes, it is always done.
- **Brian Smith** felt the language for the traffic offer regarding the temporary parking space should be revised. He suggested that it be called a loading space.
- **Fred Hancock** said the archeological offer should include the power to stop work if something significant is found. **Doug Sederholm** suggested adding the language to suspend and there were no objections.
- **James Joyce** noted the lighting offer states landscape lighting would not exceed three feet from the ground. Is the other lighting going to be adequate? Three feet above the ground does not seem to be sufficient and the MVC has seen other issues with parking lots

with insufficient lighting. **Linda Sibley** and **Joan Malkin** said code requires that and it will only be for the walkway lighting.

Benefits and Detriments

There was a review of the benefits and detriments.

- Wastewater: The property will now be connected to the wastewater treatment plant which is a benefit.
- Stormwater: The building will be on pilings allowing permeability and the plan will come back to LUPC.
- Open Space: The site is in a busy B-1 District and there are a number of trees planned. There is a setback from the sidewalk to the building providing open space.
- Light: The applicant has included the standard MVC language ensuring minimal light spillage off the property.
- Traffic: The project is not a car oriented development.
- Scenic: The proposal would be an improvement over what is there now.
- Identity: The architecture fits the vernacular in this area.
- Economic: The project would provide much needed affordable housing.
- Affordable Housing: The project would provide six affordable units.
- Impact on Abutters: The abutters were not heard from during the public hearing.
- Tax Burden: One bedroom apartments will not accommodate families with children so the impact on schools will be minimal. There will be no need for the town to plow or pick up the garbage.

Christina Brown said the architecture does fit to the vernacular in that area.

Josh Goldstein said anything with regards to the building is better that what is there now which is a condemned building.

Christina Brown noted that she objects to housing that does not promote housing for children. There are many communities in Massachusetts that promotes over 55 housing. She objects to that point of view on Martha's Vineyard and feels the fact that the project will not put a burden on the schools is a neutral point.

Trip Barnes questioned the number of occupants. **Christina Brown** said it is a state law that occupancy for a one-bedroom apartment is two persons.

Fred Hancock said the project conforms to zoning.

Christina Brown noted that the general assumption was made that the site design, landscape plan, lighting and stormwater plan will come back to LUPC for approval. She felt the Commission should be very clear that the architecture of the building is fine and the MVC is not talking about the changing of the building envelope. The Commission wants the final project to be consistent with what the applicant has shown the MVC for the hardscape plan and the street trees will be in conjunction with the town. **Fred Hancock** said because the MVC has clarified all of that, it can be in the written decision.

Roll call vote. In favor: T. Barnes, C. Brown, M. Fisher, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, B. Smith. Opposed: none. Abstentions: none. The motion passed.

4.2 DRI Fee

There was a discussion about waiving the DRI fee.

- **James Joyce** asked about the applicant's request to waive the DRI fee.
- **Fred Hancock** asked if the MVC has ever done that before for a non-governmental body.
- **Mark London** said that the MVC policy allow waiving the fee only for governmental bodies. However, the fee has been paid when projects were financed by government bodies.

Linda Sibley moved and it was duly seconded that the MVC should not waive the fee for the Island Housing Trust project based on the fact that the MVC has not waived the fee for non-profits.

- **Katherine Newman** said she understood why the motion was made to not waive the fee on the fly but perhaps the issue could be discussed at a later date and the applicant could be grandfathered in the event it was decided to waive the fee for non-profits in the future.
- **Linda Sibley** said affordable housing is by no means the only non-profit that comes before the MVC. As an example, the movie theater was a non-profit and projects that are non-profit are not always as beneficial as this applicant.
- **Trip Barnes** said as far as he can see this project will be rentals forever.

Voice vote. In favor: 8. Opposed: 0. Abstentions: 3. The motion passed.

Fred Hancock noted the written decision will be scheduled for August 7, 2014.

5. NEW BUSINESS CONTINUED

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

5.1 General Discussion

There was a discussion about the continuation of the Lagoon Ridge Public Hearing.

- **Brian Smith** said he felt that the MVC could have given more time to the members of the public who came for the Lagoon Ridge Public Hearing, though he understood that there were other pending matters before the MVC tonight. He felt bad that the Commission delayed their testimony for six weeks.
- **Mark London** said he had just spoken to members of the public still in the parking lot and suggested that they submit questions in writing.
- **Linda Sibley** said she did not anticipate that Island Housing Trust process would occur in half an hour and wanted to be sure the MVC had enough time for deliberation and decision.
- **Christina Brown** said it would have been a good thing to take the extra 20 to 30 minutes and perhaps extend the meeting if needed.
- **Linda Sibley** said the public seemed to accept the idea and it was offered that the public could speak if they could not return to attend the continued public hearing.

- **Fred Hancock** said the Commissioners also know that when deliberation and decision runs late, the Commissioners may feel that the MVC does not do its best.

5.2 Reports from Committees and/or Staff

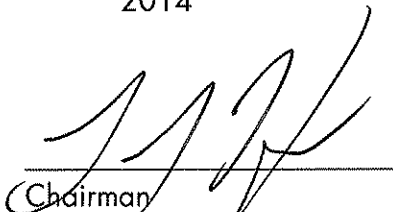
Fred Hancock noted if the Commissioners have any questions for the Nova Vida Alliance Church continued public hearing to get them to Mark London by July 18, 2014 so the applicant has time to prepare the responses.

Christine Flynn thanked the MVC for submitting the letter to the Department of Housing and Community Development. She also secured letters from the Cape Cod Commission and the Oak Bluffs Board of Selectmen. She will keep the MVC apprised of and updated on when the State will be presenting the five-year plan.

The meeting was adjourned at 9:35 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, Held on June 19, 2014
- Oak Bluffs Downtown Streetscape Master Plan Committee Notice to Host a Public Visioning Meeting and Open House
- Martha’s Vineyard Commission DRI #464-M Lagoon Ridge Subdivision MVC Staff Report – 2014-07-17
- Short MVC Lagoon Ridge Narrative, Updated July 2014
- Letter from the Martha’s Vineyard Land Bank Commission, Dated July 15, 2014, Regarding the Proposed Lagoon Ridge Subdivision
- Lagoon Ridge Sample Letter to Abutters
- Lagoon Ridge Site Plan
- Lagoon Ridge Correspondence Received by the Martha’s Vineyard Commission
- Island Housing Trust DRI # 647 Water Street Apartment Offers, Dated July 10, 2014
- Martha’s Vineyard Commission Land Use Planning Committee Notes of the Meeting of July 14, 2014
- Martha’s Vineyard Commission DRI #647 – I.H.T. Water Street Apartments, MVC Staff Report – 2014-07-14
- Island Housing Trust, 6 Water Street Apartments Elevations and Floor Plans
- DRI 647 Island Housing Trust Water Street Apartments Correspondence as of July 14, 2014



 Chairman

9-11-14

 Date



 Clerk/Treasurer

9/22/14

 Date