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Martha's Vineyard Commission Land Use Planning Committee Minutes of the Meeting of February 7, 2005

Held in the Stone Building, New York Avenue, Oak Bluffs.

Commissioners Present: LUPC Chairperson Christina Brown, Ned Orleans, Doug Sederholm, Jim Athearn, Kathy Newman, Megan Ottens-Sargent, John Breckenridge, Linda Dewitt, and John Best; MVC Staff Present: Executive Director Mark London, DRI Coordinator Paul Foley, Water Resource Planner Bill Wilcox, Transportation Planner Srinivas Sattoor and Senior Planner Bill Veno.

Chairperson Christina Brown opened the meeting at 5:30 P.M.

1. UPS AT CARROLL'S - DRI # 532-M2, CONCURRENCE REVIEW

Present for the Applicants: Chris Alley (Engineer) SBH, Dave Tumulty (Operations Manager) UPS, Arthur Bouche UPS.

Project Location: Carroll's Way, Tisbury, MA, Map 19, Lot 20

Proposal: To add a 792 square foot building to the existing 825 s.f, building creating a T. The addition is proposed to house an office, computer room, storage, ladies and men's rooms, and a locker room. The proposal also includes a new septic system, additional paving, and bringing in water. The additional 792 square foot building will replace a number of sheds and trailers that amount to 668 square feet.

Chris Alley, the engineer for the applicant (UPS), began by describing the project as more of a quality of workspace improvement rather than an expansion. Presently the offices have no changing rooms, bathrooms, or office. As part of the project, the cesspool at Carroll's will be replaced by two Title 5 septic systems (one for UPS and the other for Carroll's and Cash & Carry) and the leaching pits will be relocated. The Tisbury Board of Health has approved both. The proposed building is a standard UPS modular building.

Commissioners asked about the lighting situation for a commercial enterprise in a residential neighborhood. They asked such questions as when are the lights on? Are the lights directed downward? Are they motion-sensitive? Are there any plans to change the pole lighting? Is the present lighting situation adequate? And, if so, could UPS live with less? There were also some questions pertaining to the proposed expansion of paving.

The issue of traffic flow was raised in terms of trucks backing up into the Cash and Carry area. There was also a question of whether trucks would be driving over the proposed leaching area. Chris Alley answered that the leaching system is an H-20 system, which is designed to be driven over.

It was suggested that the applicant consider shifting the addition to the front side of the existing building so that the office is more visible and to minimize traffic flow conflicts with Cash and Carry. The applicant answered that they are not trying to make the office a place that people come to but rather just a management office. They also said that traffic and lighting were discussed at the ZBA and that they do not expect traffic to increase because they are not adding employees, only improving their working environment. UPS has 9 drivers in the winter plus two managers on-site. In the summer UPS has 12 drivers. None of the employees are women but the applicant explained that is because none of the female employees in the region have applied for this route.

Commissioner Ned Orleans of Tisbury said he did not see any regional impact and that the Town could deal with this proposal. On the other hand Jim Athearn wanted to know more about the background of UPS at Carroll's. Were they ever properly permitted? Why aren't they at the Airport Business Park? Are there abutter concerns? Several other commissioners agreed and added concerns about traffic and the appropriateness of commercial expansion in a residential neighborhood. There were also some concerns about water and wastewater. Bill Wilcox, MVC Water Resources Planner, said that with the size of the lot, nitrogen is not an issue and that Carroll's does not generate a lot of water use. The septic system for UPS is designed for 20 employees and will not have showers in the locker room. There was also a question of whether UPS was already located at Carroll's when Carroll's was first referred to the MVC. The answer was yes.

Several commissioners were inclined to think that the proposal should be heard by the full commission at a public hearing. Others thought the Town could handle it and though it may be nice to have UPS at the Airport this is not the proper forum. There was some further discussion of a new plan that would include lighting, a decrease in the amount of pavement, a traffic plan, and specifics about cleaning up debris. Christina Brown ended the discussion at 6:20 p.m. commenting that LUPC would have no recommendation for the full commission.

2. COZY HEARTH - DRI # 584, INFORMATIONAL PRE-HEARING REVIEW

Present for the Applicants: Chris Alley (Engineer) SBH, Bill Bennett (representing Cozy Hearth Corp.), and Marcia Cini (lawyer).

Project Location: Watcha Path Road, Edgartown Map 25, Lots 10.1 (3 acres), 10.2 (3.5 acres), and 10.3 (4.4 acres). 10.9 acres total.

Proposal: The applicants would like to subdivide 3 lots with a total of 10.9 acres into 11 residential lots as a Comprehensive Permit (40B). The area has 3-acre zoning. They are proposing three lots with houses to be available for families earning less than 80% Average Median Income (AMI), one lot for a family earning less than 100% AMI, four lots for families earning less than 140% AMI, and three lots at market rate. The three lots at 80% AMI would go to an affordable housing lottery and the rest of the lots would go to members of the Cozy Hearth Corporation.

Chairperson Christina Brown opened the discussion on this item at 6:25 p.m. noting that the MVC has purview over 40B projects. This was followed by several commissioners stating that they might possibly have conflicts with this project. Commissioner Linda Dewitt lives on Watcha Path and though not financially impacted, she does live in the neighborhood. Commissioner Doug Sederholm of Chilmark, a lawyer, has done legal work for one of the neighbors in the audience. Bill Wilcox, the MVC Water Resource Planner, is a direct abutter. At the time he had not heard back from the State Ethics Board.

Bill Bennett of the Cozy Hearth Corporation described the history of the project. The project began in 2001 when employees at Bennett Electric talked about the need for housing and what they could do about it. They talked to John Abrams about some of the things they did at co-housing. John Abrams suggested clustering, buffers, and doing more than the 40b requirements in terms of affordability. Cozy Hearth considered clustering but the lot was long and thin and not well suited to clustering. 8 of the 11 lots will have deed restrictions and 9 of the 11 prospective owners live on the Island already. They have met with Andy Grant about preparing a traffic scope and traffic study. They have met with Bill Wilcox to look at de-nitrification. The reason the subdivision is for 11 lots is because of affordability issues. The 8 members of the Cozy Hearth Corporation will have bear the expense of the 3 lots that go to lottery. The applicant finished by saying they will do whatever it takes to make the project work and that they intend to make it work for the Town, the Island, and the neighbors.

The Chairperson asked what are the issues that we need more information about. MVC Transportation Planner Srinivas Sattoor said that he had just seen the proposed traffic scope and that while it seemed pretty standard, there will probably be a few additional items that he will want to see. A Commissioner commented that one of the issues he has is that the proposal is on a narrow winding dirt road. Others wanted to know who owns the road? How is it maintained? Is it an ancient way? (There is a road association)

A commissioner wanted to know whether guesthouses would be allowed. Bill Bennett answered that the proposal is for single-family houses and that there will be no guesthouses. With current 3-acre zoning they could have three lots that would be allowed to have a main house and a guest house each, or a total of six houses. However, there is no restriction on the number of out buildings in Edgartown. This was followed by a discussion of year-round and seasonal units. The initial wastewater estimates were based on one lot being seasonal but it was decided that all should be considered as year round. Marci Cini noted that there had been three more members of the Cozy Hearth Corporation that had been slated for the 3 lots at 80% AMI, but that the State said they had to go to lottery.

The plan is for 11 lots allowed to have 4 bedrooms each based on the Edgartown zoning limits of one bedroom per 10,000 square feet of lot area. A commissioner wanted to know more about efforts to mitigate the nitrogen load considering that the preliminary MVC estimates are that 44 bedrooms would add about 5 times the allowable nitrogen load. The applicant said they are looking at a number of possible solutions including clustering the septic systems and other alternatives, although the preliminary plans are for one septic for two houses with Title 5 leaching and de-nitrifying. Another commissioner asked if the applicant would consider reducing the number of bedrooms? They also wanted to know more about landscaping and the placement of wells and septic systems vis-à-vis the neighbors.

The topic of habitat and open space was discussed and it was mentioned that this area is in or near the sandplains that is considered a globally rare habitat. The possibility was raised that there could be some clustering and that a significant part of the property including the perimeter and the area between the houses be no-cut zones.

A second LUPC on this project was scheduled for March 7, 2005.

The LUPC was adjourned at 7:00.