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## **Martha's Vineyard Commission**

### **Land Use Planning Committee**

### **Draft Minutes of the Meeting of November 7, 2005**

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

*Commissioners Present:* LUPC Chairperson Christina Brown, John Breckenridge, Chris Murphy, Mimi Davisson, Kathy Newman, Doug Sederholm, Megan Otten-Sargent, Carlene Condon, John Best, Jim Athearn, and Paul Strauss;

*MVC Staff Present:* Mark London, Paul Foley, Bill Veno, Christine Flynn, and Jo-Ann Taylor.

#### **1. Cozy Hearth (DRI 584) Post-Public Hearing Review**

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Present for the Applicant: Bill Bennett, Chris Alley (engineer), Marcia Cini (lawyer), and Andrew Grant (traffic).

**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:** To subdivide 3 lots (10.9 acres) into 11 one-acre lots in three-acre zoning through 40B.

Chairman Brown opened the meeting at 5:42 pm.

#### **Issues**

##### **▪ Water and Wastewater**

- Mark London explained that the MVC recommended nitrogen load for Oyster-Watcha Pond had been re-calculated and was slightly different from what was presented at Public Hearing.
- Jo-Ann Taylor explained the handout with the nitrogen load, installation and maintenance costs of the various wastewater options.
- Matt Poole, the Edgartown Board of Health Agent, said he would not oppose Option D (4 composters and 7 de-nitrification units). He said the issue of the effectiveness of composting toilets boils down to the question of whether you can get 100% user satisfaction (which translates into proper usage and maintenance).
- Matt Poole said the Board of Health is willing to allow a combination of composters and de-nitrification units and that he would prefer only 3 composting units.
- When asked why he thought the Composting system is not 100% reliable he referred to co-housing. Is there 100% satisfaction? No. Have there been problems? Yes. Are they on their third contractor to oversee the system? Yes.

- He said the issue with septic is if you forget about it, it doesn't cause a problem for a long while. Whereas with composting toilets the margin of error is not as big.
- Jo-Ann Taylor noted that there is an issue with putting gray water into denitrification units – it dilutes them.
- Jo-Ann Taylor explained the recalculation of the MVC recommended nitrogen loading of Oyster-Watcha Pond from 1.4 kilograms per acre per year to 1.8 kg/acre/year.
- Doug Sederholm said that he would prefer an option for 3 composting units because that is what Edgartown Board of Health would prefer and based on the notion that it would be within 10% of the MVC goal. He would like to see the costs associated with this option.
- Jo-Ann Taylor explained that she had used Amphidrome and Bio-Clere in her calculations because those are the brands that the applicant had looked at.
- Matt Poole noted that a package treatment plant for this project would probably be economically unfeasible. In response to another question he added that package treatment plants are set up in such a way that you can add capacity by adding modules.
- Matt Poole also suggested another option that the applicant should look into – a company called Chromoglass Inc. claims to provide a performance guarantee.
- Chris Murphy suggested that we allow composting toilets if they say they can handle it and that we should prescribe a back up if they can't handle it.
- Matt Poole suggested that Mr. Murphy should research the experience at co-housing.

- **Habitat**

- MVC Staff gave a brief history of the project and habitat issues
- NHESP has said they are satisfied with a plan that yields 67% habitat protection contingent upon approval of the final language for the Conservation Restriction and a long-term habitat management plan. Once Cozy Hearth submits the ENF they will be subject to Massachusetts Environmental Policy Act (MEPA) Review, which will last a minimum of 50 days. NHESP cannot issue a Conservation and Management Permit until the MEPA review is complete.
- Commissioners said they would like to see a well-defined border between the area of development and habitat.
- Staff was asked to check whether the developed area was actually 33% and whether the habitat area included the islands of green space created by driveways in those calculations.

- **Traffic**

- Staff gave a brief history of the discussions on the intersection of Watcha path with Edgartown-West Tisbury Road.
- During the proceedings we looked at two options to fix the Watcha Path/ Edg-WT Road intersection. One was to take Watcha Path straight to Edg-WT Road and the

other was to "T" Watcha Path into Oyster-Watcha Road. Option one would require a Special Permit to have a new curb cut within 1,000 feet of another curb cut. However, this option would go against MVC DCPC guidelines. Both options would require permission from third parties as well. The Sheriff's Meadow Foundation owns the land between the two roads. Though they do not have a conservation restriction on it they clearly were not interested in bisecting protected land.

- A third option was developed during a meeting at the intersection with representatives of MVC staff, the Applicant, Sheriff's Meadow, Watcha Path Association, and the Oyster-Watcha Road Association. The applicant has provided a sketch of the partial solution that was developed at this meeting.
- This option moves the mailboxes and clears brush alleviating the sightline deficiencies at the intersection.
- Commissioner Murphy noted that this issue should have been addressed when the Oyster-Watcha Road was put in.
- Mark London said there are two ways the MVC could address this issue:
  - One would be the MVC would try to solve the issue
  - The other is the MVC sets up a mechanism to solve the issue
- One question is whether the MVC has to have a definitive geometry filed to decide on the project?
- Some wondered whether the MVC could set up a process while still others wondered whether or not there is a viable solution?
- It was noted that the MVC can not condition third parties.

The meeting was adjourned at 7:35