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## Martha's Vineyard Commission

### Land Use Planning Committee

### Draft Minutes of the Meeting of November 21, 2005

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

*Commissioners Present:* LUPC Chairperson Christina Brown, John Breckenridge, James Athearn, John Best (@5:54), Jim Powell, Megan Otten-Sargent, and Doug Sederholm (to 6:45).

*MVC Staff Present:* Mark London, Paul Foley, and Christine Flynn.

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

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Present for the Applicant: Bill Bennett, Marcia Cini (lawyer)

Audience: Janet Heffler (MV Times), Robert Green, S. Parece, Mr. and Mrs. Harrington, Chris Downey, K. Hanningan.

**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 5:30 pm.

**Schedule:** The MVC decision must be filed by mid-December, so the review schedule is:

Monday, November 28 – last LUPC meeting

Thursday, Dec. 8 – full MVC discussion and vote

Thursday, Dec. 15 – full MVC vote on written decision

**Discussion:** LUPC looked at each of the major issues the Cozy Hearth proposal presents. For each issue LUPC summarized the proposal and considered the best possible conditions that the MVC might impose. The concepts of a possible condition were sketched out. The staff members agreed to try wording to turn the concepts into workable drafts. At the next meeting, Monday, November 28, LUPC will look at the possible conditions, then consider the question – with those conditions, what are the benefits and detriments of the project, do the benefits outweigh the detriments, and what should LUPC recommend to the full MVC?

#### Water and Wastewater

- Proposal: Applicant said they would go with whatever the MVC recommends for wastewater.

- There was some discussion as to whether the MVC should recommend a brand or a type with staff recommending the Commissioners stick to type and only use brands when offered by the Applicant.
- There was some discussion about possible Title 5 changes that may give composting toilets nitrogen credits.
- It was suggested that a possible condition should be worded in such a way that if a better technology should come along the applicant would be able to use it.
- Possible Condition:
  - 4 houses w/composting and 7 houses w/ de-nitrification
  - Maintenance, monitoring and performance guarantee to meet or be less than 1.8 K/A/Yr. Type of systems (composting and de-nitrification) to be set by applicant. Performance monitoring to be done to the satisfaction of the Edgartown Board of Health.

Note: Jo-Ann has revised the chart comparing combinations. 1.8 K/A/Yr is MVC estimate standard for Oyster Pond. Board of Health agent has agreed to work out details of monitoring.

## **Affordability**

- Proposal: 3 houses limited to 80% median income – permanent resale restriction
  - 4 houses with resale restriction to 150% median income – 30-year resale restriction
  - 1 house with resale restriction to 140% median income – 30-year resale restriction
  - 3 houses with no restrictions
- Christine Flynn reviewed a handout that was presented.
- There was discussion about whether or not to extend permanent affordability to the 5 middle-income lots with 30-year resale restrictions.
- A few commissioners expressed an interest in making all 11 lots permanently affordable.
- Some other commissioners warned against making the project unviable and that it would be a radical departure from the application.
- A commissioner noted that with 30-year resale restrictions the owners are going to hold on for dear life for those 30 years.
- It was noted that when the 30 years runs out and the value goes up so do the taxes.
- There was some discussion about what happens if there is divorce or other family setbacks before the thirty years runs out.
- There is still the question of whether it is legal to make the properties affordable for more than 30 years.
- There was some discussion of the intent of the Applicant to have a mix of incomes.
- Commissioners wondered if the 3 unrestricted lots would contribute to the affordability of the rest of the lots?
- A commissioner noted that in the past the MVC has often scaled projects back.
- A commissioner warned against conditions that would drive the applicant away from the project thus losing affordable units, the MVC conditions, and probably resulting in seasonal houses of the wealthy.

- Possible Condition: No consensus at LUPC yet about which of these:
  1. As offered, above
  2. 3 units at 80% permanently restricted and some of units at 140-150% permanently restricted
  3. 3 units at 80% permanently restricted and all of the units at 140-150% permanently restricted
  4. 11 units permanently restricted at 80% or 140-150% AML.
  5. Or some other combination of restricted and unrestricted.

Note: 40B required 25% of units to 80% or less households with 15-year restriction. Christine has charts. Staff and legal counsel have several ways to get at permanent restrictions – will draft.

### **Site Design and Architecture**

- Staff had prepared some images of the potential pattern of development in the neighborhood.
- The applicant has offered to limit roof heights to 26 feet (Town limit is 32 feet).
- There was some worry that we would end up with double dormers that end up being flat roofs.
- Staff was asked to draft a condition along the following lines:
  - No garages or guest houses; sheds only
  - No flat or low-slope roofs
  - Cedar shingles and trim (as in their proposed association agreement)

### **Traffic**

- There is a question of whether the MVC should condition a specific geometry?
- Dan Greenbaum had looked at the intersection and said that it was not a great layout but none on the Vineyard are, at least the traffic level is low.
- Staff was asked to draft a condition along the following lines:
  - accept offer to work with two private road associations to improve intersection configuration to reduce possibility of conflicts (looking at possibility of relocating mailboxes, having single, narrower entrance at WT-Ed Road)

**Next Meeting:** Monday, November 28, 5:30-7:00.