



# Martha's Vineyard Commission

## Land Use Planning Committee

### Draft Minutes of the Meeting of December 1, 2005

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

*Commissioners Present:* LUPC Chairperson Christina Brown, John Breckenridge, Chris Murphy, Doug Sederholm, Jim Athearn, and Paul Strauss John Best (Kathy Newman);  
*MVC Staff Present:* Mark London, Paul Foley, Chris Flynn

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

---

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

Audience: Mr. and Mrs. Harrington, Mr. and Mrs. Hanningan, Chris Downey, Jim Powell.

**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 via 40B.

Chairman Brown opened the meeting at 7:15 pm. The Agenda considered best possible conditions that might be put together for mitigating concerns. Then, look at benefits and detriments of the proposal as applied for with those possible conditions and consider the benefits and detriments of the project. Then weigh benefits and detriments and consider recommending approval or denial..

#### **Traffic, Parking, and Access**

- It is not a standard or ideal intersection, but neither are any others on the island. It would be desirable to be improved. Is it essential? Does not appear to be a problem with LOS.
- Intersection has multiple ownerships. Solutions require multiple approvals. Applicants have no control over any of them. If we were to require changes in that area and they could not get the neighbors to do it, it would be essentially denied. The question is whether we can create a de facto denial through conditions.
- It was suggested that rather than belabor this issue we condition (if we approve) the applicant to work with the Watcha Path, Oyster-Watcha, and whatever bodies are affected and interested to improve the intersection as best as feasibly possible, create a budget for the agreed upon solution and then bring it back to the MVC. If the applicant is a significant part of the problem they should pay the lion's share. It is a lousy intersection whether they move in or not. They shall make their best efforts to work with the other relevant bodies to affect a solution. Some felt that the MVC should really be voting on this without regard to this issue/solution.
- RE: Internal Pathways: In the past we have put in dormant easements if the opportunity should arise. It may be too late in process.
- There was a question as to when we are making these conditions do they apply to the 80% homes as well? NOTE: Staff to check whether that is legal.

#### **Site Design, Habitat**

- Are we satisfied with 67% habitat protection? Do we want to say anything about adding vegetation for added screening?
- Conservation and Management Permit from NHESP requires plan, oversight, Conservation Restriction and holder of CR. Do we want to add a condition about bringing it back to MVC when holder of CR identified? Yes.

- It was suggested that we not impose the 20' buffer. Let the monitor of the CR address that issue. Though we should make sure that a buffer exists there (a 20 foot no cut zone).
- Do any of the neighbors have any CR's on their properties? No.
- It was brought up in the P.H. that abutters could allow the applicant to plant on the abutting properties at the abutters' discretion.
- It was suggested that there ought to be a condition that makes the Applicant contribute to plantings for screening for the neighbors (\$2,000 for screening planting).

### **Lighting**

- RE: lighting condition; All outdoor lighting will be in fixtures and should be downward lit.
- Do we have a condition against bug zappers? Yes.
- RE: yellow bug light bulbs. Ask the staff to check with NHESP if this property needs yellow bug lights? Note: Staff to check.

### **Guest Houses and Outbuildings**

- Has the Applicant offered to not have guesthouses? No.
- If we allow guesthouses this morphs into 22 units.
- There was a proposal that we condition no guesthouses. Unanimously agreed
- However some felt that it's a part of the Island character to have sheds and outbuildings. Though you could specify the height and square feet of such structures.
- Zoning deals with that. Others pointed out that zoning does not limit them.
- The MVC looks at both regional and local impacts. We often look to the powers of the local boards power to see what they can oversee. Because this is a 40b this is a case where the local board may not have as much oversight as usual.
- Maybe we should have a peer review within Cozy Hearth.
- Some would prefer to see the garages attached. Either way we could also allow sheds up to a certain size. Someone suggested 350sf and no higher than 15'.
- If we do that we are talking about 22 structures on 4 acres. It will be busy. We have to assume the worst - people will build to the max. People with boats, cars, animals, stuff.
- LUPC agreed on 15 feet height limit on out buildings.

### **Main Buildings**

- So we are accepting Applicant's offer of height restriction of 26 feet. Do we want to restrict anything else?
- LUPC does not want market rate houses to be out character or size with the rest of the neighborhood.
- Several commissioners suggested that the 80% homes should be allowed to expand in the future.
- Possible Condition: In order to maintain character... proposes that the three 80% should be a minimum of 1200 sf and no house should be larger than 2500 sf and 26' height.
- There was some discussion of what type of trim is acceptable.
- There was some discussion of what type roof pitch is acceptable. At Public Hearing there was concern about houses that have large dormers that effectively create a flat roof. Shed dormers are much more efficient than doghouse dormers. We should condition roof shingles so that we do not end up with the cheapest thing up there that is visible to the neighbors.
- What about gray shingles? No tacky shingles.
- We have wording re: flexibility of moving the building envelope?. Wording approved.

## **Solar**

- It was suggested that the MVC should require that all buildings are oriented for maximum solar efficiency in all of our decisions.
- Building should be oriented and designed to promote maximum solar efficiency.
- LUPC thinks we should condition the 80% houses to comply with "Energy Star" requirements.

## Affordability

- Recommend permanent restrictions on the three 80% houses Recommend permanent resale restrictions on the four 150% houses and the one 140% hous
- LUPC consensus on this ecommendation

## **Wastewater**

- Last time we were stuck between several options 4 compost, and 11 denitrification, or 8 and 3, or all 11 composting..
- Some thought there should be a range of conditions so that we don't have to decide on the spot and to leave flexibility for new technologies.
- Wording re: range of combinations of composting units and de-nitrification units in conditions should include wording such that whatever system is implemented it shall not exceed 1.8 kg/acre/year.
- The whole thing has to go back to the Edgartown Board of Health anyway, when ZBA reviews the 40B proposal.
- Consensus to recommend at least 4 composting but allow up to 11 composting, with the remainder on a denitrification system to be chosen, installed, maintained, and monitored to the satisfaction of the Edgartown Board of Health with total nitrogen concentration no to exceed 1.8kg/A/yr.
- .
- .

## **Benefits and Detriments**

- The question was asked Do we want to talk about Benefits and Detriments tonight?
- It was suggested that LUPC let staff do a rough draft? Chairmen said that Commissioners should do that.
- It was suggested that LUPC designate 2 or 3 Commissioners to work on that. It was decided that all commissioners should be prepared to discuss benefits and detriments.
- LUPC will not make a recommendation about approval or disapproval to full MVC because haven't discussed benefits and detriments. CB will make a report at MVC meeting 12/8.

Adjourned 9:28