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Martha's Vineyard Commission Land Use Planning Committee Minutes of the Meeting of June 19, 2006

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

Commissioners Present: Christina Brown, John Breckenridge, Ned Orleans, Linda Sibley, Kathy Newman, Chris Murphy, Carlene Condon, Deborah Pigeon, John Best (5:41), Megan Ottens-Sargent (5:42), Doug Sederholm (5:43).

MVC Staff Present: Paul Foley, Bill Wilcox, Srinivas Sattoor, Christine Flynn, Bill Veno

Town: Warren Doty, Frank Fenner, Riggs Parker (All 3 Selectmen), and Lenny Jason (Building Inspector).

Chairman Christina Brown opened the meeting with introductions and noted that there were three items on the evening's LUPC agenda: the Girls Scout Camp in Chilmark for a Concurrence Review, the Middle Line Path affordable housing proposal in Chilmark for a Pre-Application Review, and a report from the Lighting and Landscaping Subcommittee for the Woodland Business Center project.

1. Girl Scouts (DRI Concurrence Review)

Present for the Applicant: F. Tenney Lantz (Girl Scout Council of Southeast Massachusetts), Pete Vincent (Lawyer), Alice Robinson (Director of Day Camp), Helen Anderson (GSA Building Committee), Bill Anderson (GSA Building Committee)

Project Location: 172 Middle Road, Chilmark, MA Map 18 Lot 20 (3.5 acres)

Proposal: To demolish most of the existing approximately 900 square foot three-season lodge and replace it with a 1,996 square foot four-season building.

Opened 5:32

- The Issue for this project is whether the LUPC recommends it as DRI or not. This is not a discussion or debate on the merits of the project on the whole but whether this should be reviewed as a DRI.
- Pete Vincent began the applicant's presentation by noting that the GSA has been on the site over 50 years.
- The existing building is old and unsafe and in violation of setbacks. The kitchen has no running water and the fireplace is unsafe and unusable.
- The applicant's would like to replace the existing lodge with a 1,996 square foot building. They want a bigger building because they have a lot of memorabilia that needs a place to be stored and displayed.

- They also want to continue to use the back of the property for camping. This building would allow them shelter when it rains. It would have better sanitary facilities, ADA accessibility, a good kitchen and a small meeting area. They don't believe this will have any regional impact. The uses and activities will remain the same except they will be able to use the building a little longer.
- Tenney Lantz directed commissioners to look at the packet of information the Girl Scouts handed out.
- The use will be essentially the same as the last 50 years. They have three primary uses:
 - Troop Camp, Resident Camp, and Day Camp. Troop Camping from MV and mainland for educational weekend camps. Presently they are not able to use the building for Troop Camp from mid-October to April. The existing building was an old garage that was moved to the site in 1961.
 - The Travel Camp is an offshoot of the main residential camp in Plymouth from where they make plans to visit MV from Thursday to Tuesday.
 - Finally there is the Day Camp, which runs during the last two weeks in August from 8am to 5pm.
 - All uses are related to the Girl Scouts purpose of informal education and are related to their four main goals of self development, understanding of friends and neighbors, ethical values, and community service.
- Alice Robinson added that the intent of the MV Girl Scouts is to replace the building. There is no other goal such as expanding programs. They would like to have an infirmary room, an office space for camp staff and storage space. A place for their memorabilia is important for them so that girls can appreciate the history of the Girl Scouts. There is no difference in programming and number of people allowed, the Board of Health has limited them to 32 people based on the septic.
- With the new building the Troop Camp that runs from May through September could now be held throughout the year. However there is a decision to be made as to whether they can afford to heat the building year round to do this.
- The Day Camp which runs for two one-week sessions at the end of summer will remain the same as it exists so the girls have a place to go when other camps are not running.
- There is a distinction between the Resident Camp and the Travel Camp. Travel Camp is a component of Resident Camp. The island Travel Camp is usually only for part of one week.
- Sometimes, especially at Plymouth, The Girl Scouts rent out their facilities, usually to school groups. At Chilmark they rent it out to the Appalachian Mountain Club once every year.

The Referring Board

- Selectman Riggs Parker said that what moved their referral was that under Chilmark bylaws there would be no ability for the Girl Scouts to have a public hearing at which the public could speak and be heard by the applicants. The abutters felt they did not have a forum. The proposal is a substantial increase in the size. The regional affects would be traffic if it became very popular for renting. It's a windy road and it is not a good road for bicycles.

- Selectman Warren Doty said the issue is future use. If the Selectman had a written agreement from the Girl Scouts that specifies what is going to be allowed at the camp it could go a long way to help ameliorate the issue. They would like to know what is going to happen between October and May, a limit on the number of vehicles on the property (a limit of 6-8 would help), and a limit on the number of people on-site at any one time (such as the 32 person septic limit).

Commissioner Discussion

- A commissioner said he understands why a public forum would be desirable but on the other hand he does not see this as a DRI. Another commissioner added that thought this proposal seems benign, we do have a request from a Board of Selectmen and we should not dispense with it too quickly.
- A commissioner noted that Chapter 831 says we should consider the degree to which a proposal serves a regional market... and it doesn't specifically say are there have to be specific regional impacts.
- A commissioner said that she would like to see, before we take a vote on it, that there is a written statement of the permitted uses. So that should the MVC decide not to concur this can be attached so that we can use it as a basis to have it return if those are ignored or expanded.
- It was also noted that the Girl Scouts are going from 900 sf to about 2000 sf, a fairly large increase in the middle of a residential neighborhood.
- It could require a mandatory referral depending on how you look at the square feet. The proposal is 4 feet less than a mandatory and there are other structures on the property.
- A commissioner said that they would not like to see it become a rental facility for functions as this would have an impact on traffic, noise and septic.
- There was a question that if they were to solicit the Board of Health for an increase in the septic would they have to come back to the MVC? A commissioner replied that if we do not vote it as a Development of Regional Impact a septic permit would probably not send it here unless there was a discretionary referral.
- If there are further addendums before Thursday about the uses and seasonality of the facility that may help us make a decision.
- If we don't concur based on a specific plan and uses that we think don't have regional impact and then they go and do something beyond those specific parameters the project can be revisited.
- One other issue is that if you build it they will come. It will be a much nicer facility and therefore more desirable.
- LUPC Chairman Brown decided not to allow the public to speak at the meeting but noted that she will defer to MVC Chairman Linda Sibley as to whether she will allow the public to speak before the full Commission at the Concurrence vote.
- MVC Chairman Linda Sibley said it would be appropriate for neighbors to testify on Thursday night whether the project should be a DRI but not to debate the specifics of the project. You need to make a persuasive argument that it needs to be reviewed as a DRI.

- Chris Murphy made a motion for the LUPC to recommend to the full commission to concur with the referral that this should be reviewed as a DRI. This was duly seconded by Doug Sederholm.
- Several commissioners (John Best, Linda Sibley, Carlene Condon, and Ned Orleans) abstained due to there being a quorum of the MVC in attendance.
- Voting yes to recommend to the full commission to concur with the referral that this project should be reviewed as a DRI were Doug Sederholm, Chris Murphy, Megan Ottens-Sargent, Deborah Pigeon, and Christina Brown.
- Voting no to not recommend a concurrence were John Breckenridge and Kathy Newman.
- The motion passed on a vote of 5-2.

2. Middle Line Road Affordable Housing (Pre-Application Review)

Present for the Applicant: Warren Doty, Frank Fenner, and Riggs Parker (all 3 Selectmen)

Project Location: Middle Line Road off of Tabor House Road in Chilmark, MA

Proposal: To create a 12-unit affordable housing complex in Chilmark

Selectmen's Presentation

- Selectmen Warren Doty said that one year ago Chilmark approved an affordable housing project on Middle Line road. The Town prepared a Request For Proposal (RFP) and received one response from the Island Housing Trust (IHT). The original goal was to do the entire project with one developer and let the town back off of the project. Since then they have decided to do it differently and have now formed a committee made of Lenny Jason, Warren Doty, and
- They have tried to go to all permitting boards: Planning, ZBA, Conservation Commission, Board of Health, and now the LUPC.
- They went to these permitting boards to come up with a list of the necessary steps in the process to then take to their attorney to review. They have procurement laws, CPA restrictions, and prevailing wages rules, among others, to deal with. They also have conflict of interest issues involved with this project. So they are going back through it all to make sure they have all of our bases covered and are on track.
- They plan to go to the Planning Board with a form C subdivision. The Town will do that on their own and then decide how to proceed. (Handout)

Commissioner Questions

- A commissioner wondered if this is the same proposal that was discussed way back when before the Finance Committee weighed in?
- Warren Doty answered no; this concept plan was created by South Mountain Company. The concept plan proposes to group the buildings in three clusters, have a walking trail through the property (existing) with a 50-foot buffer. There are two clay pits on the property that are now manmade wetlands that they will accept as wetlands and buffer them.
- There would be 6 residential home sites and 6 rentals on 21 acres.

- They would place a Conservation Restriction on the beech grove, the clay pits, Hollman road.
- The Selectmen came to present the concept plan and to see what the MVC reaction is.
- They plan to go to the Planning Board with a form C, the PB would then refer it to the Board of Health, and then go to the Conservation Commission for the wetlands and then got to the MVC as a DRI.
- A commissioner informed them that if it is going to be a DRI it should come here first. They can apply to various boards, the Boards can kick it around, but they can't make decision on it.
- There was some discussion about the exact location of the Hollman Road pathway. The trail link being worked on by the Land Bank would cross Chilmark from the corner of Tea Lane and Middle Road all the way to Great Rock Bight. If any part could be re-aligned it would be on the Middle Line Road side of the clay pits on this site. It would be a better connector if it were shifted to the east. So the trail could be realigned in certain spots but must be preserved.
- Warren Doty said that this project was brought before the Town in nine warrant articles. So in his mind this concept plan is what the Town approved.
- Commissioners informed the applicants that there are other organizations who will probably need to look at the proposal including the State Natural Heritage and Endangered Species (NHESP) program that looks at priority habitat and they should also talk to the Wampanoag Tribe. If there is federal money then the tribe must get involved. If there is no fed money then it is up to us as a community to decide.
- For the record these 12 units will be permanently restricted to be affordable.
- There was some discussion that resident homesite lots are going to be easier to finance if there is a defined lot. On the other hand the Island Housing Trust (IHT) has some 99-year leases. As long as you are financing the structure in a defined zone it may not be as difficult to finance as the subdividing might be.
- Lenny Jason said the issue is the by-laws. We have the resident homesite law. We could handle the rentals through the bylaw but it would be more difficult with the homesite lots.
- The applicants were informed that we have an energy policy now and they should get a copy of it.
- Commissioners were curious as to whether they are wedded to the idea of having one builder build the whole thing or would they allow the homesite owners to build there own? To which a Selectmen answered that the Resident Homesite Committee would like to let the owners build them themselves.

Water

- Bill Wilcox pointed out that this property is in two watersheds. He suggested that they might think of moving the septic. To which the Selectmen replied that there perc tests have said that the best place is where they have them.

Affordable Housing

- One group is below 85% of AMI and the other six are at 125% of AMI. A Selectmen said that I think you will find that our affordability will be acceptable to you.

3. Woodland Phase One (DRI 39-M) Lighting and Landscaping

Present for the Applicant: Sam Dunn

Project Location: State Road, Tisbury, MA

Commissioners Present: Christina Brown, Ned Orleans, Doug Sederholm, John Best, Linda Sibley, and John Breckenridge.

- Commissioner Linda Sibley of the Lighting and Landscaping Subcommittee said the committee loves the landscaping.
- The lighting is a little more involved.
- Sam Dunn wants to finish the building with his idea of a valence board as exemplified in the lighting in the back of the building so that we can really see what it is going to look like. He admits that he hasn't worked out all the details. The problem is he doesn't want to hold up the building permit for the greenhouse replacement building.
- We do have another deadline, the Occupancy Permit, which we can put off the final lighting scheme decision to.
- Also, according to his electrician, all the lights are all on one circuit and therefore on one timer. It is their policy that the lights stay on until one-hour past the last shop closes. We are likely to see the place lit till 9:00.
- So the recommendation is to allow him to build out the lighting in the back as a demonstration, we should change the words "Building Permit" to "Certificate of Occupancy" in the Decsion and the Lighting Committee will continue to meet with Mr. Dunn.
- However, Mr. Dunn should realize that the committee retains their right to condition the lighting otherwise if they do not like the experiment.

Adjourned at 7:00