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Martha's Vineyard Commission Land Use Planning Committee Minutes of the Meeting of July 17, 2006

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

Commissioners Present: Linda Sibley (acting chair), Mimi Davisson, Ned Orleans, Paul Strauss, Chris Murphy, Deborah Pigeon, Carlene Condon.

MVC Staff Present: Paul Foley, Chris Flynn, Bill Veno

Audience: Dave Wiley (abutter)

1. Jenney Lane

Present for the Applicant: John Abrams, Emily Graham (IAHF)

Project Location: Kuehn Crossing

Proposal: To modify the Jenney Lane (DRI 573) Decision to move one house to Pine Street, rearrange the parking and other small Site Plan adjustments and make one of the ten affordable houses market rate.

The meeting opened at 5:32 p.m.

Applicant's Presentation:

- John Abrams explained that to the lawsuit for Jenney lane has been settled, there will be no trial based on two things:
 - 1- There is a condition of the settlement that says instead of 10 affordable houses, one will be at market rate. They need the MVC to find that an insignificant change.
 - 2- After the MVC made its decision in October 2003, the Edgartown Planning Board made some changes in their decision of February 2004. On page 4 – the following changes were made:
 - 1 house was to be relocated to front on Pine Street.
 - The parking off of Pine Street was to be relocated behind the relocated house.
 - House # 10 was to be moved 40' to south.
 - A new road is to be built connecting two houses to Curtis Lane. The MVC had said if the Town requires a 2nd access they don't have to come back.
 - In its deliberations in the original application, there had been a draft condition allowing moving one house to Pine Street but that condition was discussed and not accepted as a condition so this needs MVC approval.
 - The Planning Board favored locating the house on Pine Street to complete the pattern and screen the parking. The house on Pine Street will be the

one at market rate. It was suggested that the market rate house on Pine will protect the market values of other houses on the street.

- The number of parking spaces is the same, but they are now predominantly on one side of the development.

Commissioner Motion

- Linda Sibley noted that LUPC needs to evaluate whether the changes are sufficiently substantial to require a public hearing and secondly whether they recommend that the MVC approve them or not. Having been a part of the original process, she thought these issues have been thoroughly vetted and that she thinks they are not substantial.
- **Chris Murphy moved and it was duly seconded that LUPC recommend to the full commission that the changes are not sufficiently substantial to warrant a public hearing. The motion passed unanimously.**
- Since the majority of Commissioners present had not been through the original DRI Hearings the felt they should defer to the full Commission the decision of whether the MVC approves the changes or not.

2. 21 Kennebec Avenue

Present for the Applicant:) Alan Schweikert

Project Location: 21 Kennebec Avenue

Proposal: A mixed-use building on Kennebec Avenue with two retail units and four residential units.

Discussion of the Referral

- The issue today is primarily whether it is a DRI or not.
- The Commissioners referred to the memo from Mark London on how it was referred.
- **Chris Murphy moved and it was duly seconded that LUPC recommend that the Commission accept this referral as a DRI both because the Selectmen have asked us to and because it is a mandatory referral under 3.401 d.**
- **Ned Orleans moved an amendment and it was duly seconded to the effect that the Commission make every attempt to complete the Public Hearing and the Deliberations and Decision in one night.**
- **The motion as amended passed unanimously.**

Discussion of the Project

- Alan Schweikert explained that the Town owns the lots on either side of the project. He thinks they were always separate properties but the same people owned them. He said he doesn't know who owned this lot 50 years ago; there was a bankruptcy here several years ago that affected the ownership.
- A Commissioner said it would be nice to have a chronology of the property history.

- It appears that the three parking spaces will not answer the entire need. It was noted that this was not public parking.
- The plan was approved by the Planning Board, which noted that this project would pay into the Parking Mitigation Fund and that the project would improve the vehicular circulation.
- The Commissioners asked to invite John Bradford of the O.B. Planning Board explain the Parking Mitigation Fund at the hearing. The Commissioners will want to hear more about the idea of the Planning Board wanting people to live in town and not need parking.
- There was a concern that if these residential units were to become weekly rentals, it could exacerbate the affordable housing situation.
- Mr. Schweikert replied that these are going to be quite affordable compared to anything else on the Island. He has taken deposits for right of first refusal to buy the units, once the price is finalized. They are all Islanders. One is a woman with a son who can't afford her house and wants to live where she doesn't have to drive. He expects the price to be in the mid \$300,000's. He is willing to abide by the MVC Affordable Housing mitigation policy and make a contribution to an affordable housing entity, but he does not want to put a deed restriction on the property.
- A Commissioner said that it is desirable that they stay in the housing pool and not become part of the hotel room pool.
- Mr. Schweikert replied that they are selling them, not renting them. It would affect the price if the Commission puts a deed restriction on one or more units. He read our affordable housing policy and is willing to pay, asked where in the affordable housing policy is this idea of deed restrictions?
- It was noted that he could come before the Commission and say he doesn't want to place deed restrictions on them, and the Commission will put that into its benefits and detriments calculus.
- He said that one of the commercial units is likely to take a residential unit for staff housing. We are dealing with six bedrooms, smaller than most houses in Edgartown.
- The project does not plan to have signage.
- In terms of uses, they are automatically restricted by wastewater to what can go in here, that's why they are restricted to only six bedrooms. He sees the commercial units as being tourist-based retail.
- Scheduling:
 - July 31 – site visit at 4:45; LUPC at 5:30.
 - August 10 – Public Hearing and Deliberations.

Adjourned 7:00 p.m.