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Martha's Vineyard Commission

Land Use Planning Committee

Notes of the Meeting of April 2, 2007

Held in the Stone Building, New York Avenue, Oak Bluffs. 5:30 P.M.

Commissioners Present: Christina Brown, Doug Sederholm, Chris Murphy, Richard Toole, Mimi Davisson and Jim Athearn.

MVC Staff Present: Mark London, Paul Foley, Bill Wilcox, Jim Miller

1. Middle Line Road (DRI 597) Pre-Public Hearing Review

Present for the Applicant: Warren Doty (Selectmen), David Handlin (Architect), Rusty Walton, Steve Schwab (Chilmark Housing Committee). Also in attendance were Riggs Parker (Selectmen), Frank Fenner (Selectmen), Lenny Jason (Middle Line Committee), Chuck Hodgkinson

Project Location: 73 Middle Line Road, Chilmark, MA Map 13 Lot 43 (20 acres)

Proposal: To create a 9-building, 12-unit affordable housing complex on a 21.4-acre site on Middle Line Road in Chilmark.

Applicant's Presentation

- Warren Doty (Selectmen) noted that they had brought a lot of people with them because many people in Chilmark are interested in seeing this project through.
- The three people not at the table he introduced are the project engineers Glenn Provost, Reid Silva, and Kent Healy.
- They have changed the configuration of the plan.
 - They are preserving Holman Road with the latest plan.
 - They have move some of the sites further away from the center towards where the land percolates better.
 - They feel they have responded to some of the concerns they have heard.
- They also want to address several of the MVC policies such as: open space; affordable housing policy; nitrogen loading; archaeology; and NHESP. We have different people here to explain those aspects.
- The Applicants are preparing for a scheduled Public Hearing on May 10 at the Chilmark Community Center.
- Mr. Doty has been working on this plan for most of five years. It has been a long process but it seems they make a little progress every week. They had hoped to be awarding home sites by now.
- David Handlin (project architect) described the project. There are several distinguishing features to the site including: Holman Road; quite a bit of contour on the east and west of the site; two clay pits that are essentially man made wetlands; a grove of Beech trees; and a wetland across the street. There is an abutter.

- Chilmark Zoning codes require 50 foot setbacks, individual septic systems, specific road width right of way and frontage.
- They presented to LUPC in November and December at a time when they had settled on Plan B. Plan B was based on a river and tributary analogy with three clusters of buildings each with a duplex and two resident home sites. It would be up to the people who own the land to build where they want to. The driveway in plan B followed Holman Road. The thinking being that whoever laid out Holman Road knew what they were doing and probably put it in the right spot. They would then create a new walking path around the perimeter of the site through the distinctive features as an educational path.
- Then two things happened. One was test pits had been done and they did some more test pits. They found out that the sites further up the hills perked a lot better than those lower down. They did not want septic systems that they would have to pump uphill. So they pushed the envelopes up the hill.
- They also heard a lot of concern about Homan Road. They decided there were ways to preserve almost all of Holman Road. In the new plan they cross it once and then maintain a 75 foot buffer from it.
- They still have three clusters of buildings. They are now much more carefully defined in terms of septic systems.
- This is a plan that works. It meets all of the town requirements. There are still a few more kinks to work out.
- He showed a colored site plan with the development envelopes shown in gray.
- The plan has 14 foot driveways with another 5 feet on either side. The 40 foot right of way technically ends further on but it would actually end earlier.
- On energy basically there are two phases. One is the planning and regulatory phase.
- Then there will be an equal struggle to design this so that it is affordable. There will be a discussion then about energy. The architectural firm is LEED Certified. They have preliminarily applied to the Cape Light Compact for a subsidy for some aspect, possibly photovoltaic.
- The second change is they have a 185 page document/study that looks into the homes radiant heating. They don't know if they are going to but it is part of their thinking.
- The Cape Light Compact application has been reviewed for photovoltaic panels on the roof. They might fund four or five units with photovoltaic.

Commissioner Questions

Location

- Why is the site where it is rather than on a more active transportation route?
 - The applicants said that affordable housing is on a basis of practicality and availability. To do that they think they would have to go to eminent domain taking. To do an unfriendly eminent taking is not something they want to do. This land was purchased fifty years ago and it is surplus and it is one of only two or three the Town owns.
- Another commissioner said we will want to know more about why you chose this site. Warren gave an answer but it reminded him of the hospital situation. It sounds like a lack

of will. Putting it here in the wilds of Chilmark rather than near the school does not sound like sound planning.

- Mr. Doty replied that Chilmark has had a resident homesite bylaw for several years and they still only have one resident homesite. Furthermore, the Town does not have any sites that would be allowed by zoning.

Energy

- Do you have plans for bicycle paths or other means of transportation that would make it easier for people without a car or money to get there?
- Are you going to run the units through ResCheck to see how well they meet the Mass Energy Code? The first order of business in terms of energy is to make the buildings as tight as possible and positioned towards the sun.
 - There was a grant for photovoltaic. If there were a grant for low E windows they would go for that too.
 - The architect said that most people look for solar panels because it signals an intention. The best thing you can do is improve the insulation. In the LEED system you get up to 3 points for onsite renewable energy but you can get up to 10 points for insulation. In the LEED rating system you can earn the same amount of points for having a place to park bicycles as you do for a location at a cross roads.
- Will you look at the monthly carrying cost of what it will cost for people to live there and look at all facets of affordability including car, gas, heating, etc...?
 - The applicants responded that it sounds like more than what they were intending to do. They said they are not sure how many constraints they can put on the deeds for those who are going to purchase the home sites. It's going to be tough. They want people to own their own homes.
- A commissioner said that they (the Town) will be the landlord and they could impose restrictions.
- One of the project proponents then asked what exactly it is the commission is going to be reviewing - the project as built or the site of the land.
 - Once a project is referred to the Commission as a Development of Regional Impact the MVC looks at all aspects of the project.

Buildings

- You are going to build three duplexes and we do need to hear about those.
 - The applicant noted that small towns do not build houses. They are not contracting to build these themselves. They are going to put out a bid for a private contractor to build.
 - The applicants said that they are concerned not to be too prescriptive in terms of what is allowed.
- A commissioner asked why? You put out a Request for Proposals (RFP) and say this is what you want.
 - A proponent asked if the MVC wants homeowners' covenants.
 - Several recent affordable housing DRI's including Cozy Hearth (DRI 584) and Pennywise Path (DRI 578) were required to supply extensive information regarding model covenants, building sizes, heights, number of bedrooms, ways of de-

nitrifying wastewater, open space protection including conservation restrictions on the project property, etc...

- The applicants said they are trying to develop guidelines, not requirements.
- A commissioner said that our usual DRI process is much more than simply guidelines. We want insulation to X degree and this size house, with x, y, and z and a lot of details in the deed. Cozy Hearth was extensively conditioned. We determined the style of house, size, etc...
- The number of rooms is specified but are there any limits on the house sizes?
 - There are a set of guidelines for putting the families into houses. One of the guidelines is that it be reviewed by the housing committee to make sure it is affordable.
- Tim Lasker of the Chilmark Planning Board said that he thinks it is important for this committee to understand that this is a hybrid project. The housing committee and town in general do not want to create houses that are not affordable. That is a critical piece of the process. Even the application to Cape Light was broken into two parts.

Wastewater

- Riggs Parker, Current Chairmen of the Board of Selectmen, had the assignment to address the nitrogen loading issues. He read with interest the memo of March 14 of Bill Wilcox. They have submitted this project as a 69-acre two parcel lot. Having read the memo it seems to him that they have met the MVC requirements. According to the MVC policy they more than meet the thresholds with 69 acres. They will be title 5 systems.
- The two lots are the 21-acre project site and a 48-acre property across Middle Line Road owned by Frank Cossutta for which the Town has held a conservation restriction since 1984.
- A commissioner asked if they will be enhanced in any way.
 - Mr. Parker responded no. They have moved them up the hill so that pumping is not required. They don't want the tenants to have to be techno geeks to use the toilet.
- Chairman Brown asked Bill Wilcox if at the public hearing there are going to be issues about the wastewater that we are going to need addressed.
 - Bill said that if the MVC accepts this as a 69-acre parcel they would be fine. If the MVC does not accept the inclusion of the Cossutta property then the project would nearly meet the basic standards of the MVC Water Quality Policy only with denitrification of the duplexes.
- Chairman Brown asked commissioners if looking at this as a 69-acre parcel is incompatible with our policy.
 - Mr. Parker said it has been submitted as a 69-acre parcel.
- Commissioner Murphy told Mr. Parker that in the staff notes Bill suggests that at the public hearing the applicants should have cost figures for the difference between title 5 and denitrification.
 - Mr. Parker said that's a nice idea but this is really two projects. There are the homesite lots and there will be a request for proposals (RFP) for the rental units. To ask the individual owners to do that study is a bit much.
 - Commissioner Murphy said he was asking the applicants to do it.

- Mr. Parker said they have to be very careful not to be the developer.
- The conversation then reverted back to the question of whether the MVC accepts this as a 21-acre project or a 69-acre project for which we do not have a final answer yet.
- Mr. Parker asserted that before the MVC today is 69 acres legally and technically. He asked how can you ignore 48 acres that are not going to be built upon?
- A commissioner said we still have an issue of over nitrification of Tisbury Great Pond. We are never going to get to really great health because we have already built so much without de-nitrification but we need to deal with what we can.
 - Another issue is that the Board of Health has already said that they do not want de-nitrification systems. They are strictly looking at Title 5.
 - An alternative solution here is already commonly done. Instead of spending \$10,000 for each unit they could spend the same amount to have a clustered de-nitrification system. So it would cost about the same as nine individual Title V systems but would remove nitrogen from the watershed.

Traffic

- Chairman Brown said we need to talk about traffic and approve a scope of study.
- Jim Miller said we agreed to take on the traffic study to assist the applicants. It will cover the amount of traffic coming in and out of the site, the line of sight at the intersection of Middle Line and Tabor House Way, and the impact of increased traffic on Middle Line Road.
- It should also address whether there is a need for additional turn outs on Middle Line Road.
- A commissioner asked what the Planning Boards opinion is of doing a development at the end of remote dirt road.
 - A Planning Board Member in the audience said they are very concerned with that issue as well as the size of the road and the connection to Tabor House Road. They will be addressed by the Planning Board.
- There was a letter from Mr. Emin, a direct butter, about the legal access to Tabor House Road. That legal question needs to be answered.
 - Mr. Doty replied that the planning committee is very concerned with that and that they feel they have three options for changing that intersection.
- **Chris Murphy made a motion to accept the in-house traffic study with the additions made here by LUPC and including the creation of a committee consisting of MVC Traffic Planner Jim Miller, Selectmen Warren Doty, and a representative of the Planning Board to work together on addressing any traffic related issues. The motion was duly seconded by Doug Sederholm and passed unanimously.**

Habitat

- Rusty Walton of the Chilmark Conservation Commission said there is a small loop in the buffer area around Clay Pit Pond which is off the property but comes onto the property with two listed species. The American Brook Lamprey (fish) and the Water-willow stem

borer (moth). The problem is that the stream is not active enough to actually be on this site. The state says it has found them.

- Rusty Walton said he has already informed the state that there is no chance that they are within 1000 feet of this site.
- Chairman Brown asked he can assure us that he will follow through with the state.
 - Mr. Walton said by the time of the hearing he expects to. There is apparently one rare moth on the site so they asked him to show them the areas that will be disturbed.

Additional Questions

- A commissioner wants to know why they chose the 85% AMI and 125% AMI thresholds.
- With this project will you meet your ten percent requirement for 40B? If not are you looking at other sites?
- Is the Planning Board having anymore hearings?
 - Yes
- The Chairman asked if there were any objections to having the hearing in Chilmark. There were none.
- There is an abutter but you have put the houses closer to them. You explained why but you might want to talk about that further.
- Blair Emin, an abutter, asked to hear about the density along the eastern side.
- The issues of how this affects groundwater, NHESP, abutters.

Adjourned 5:55