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Martha's Vineyard Commission

Land Use Planning Committee

Draft Minutes of the Meeting of June 11, 2007

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

Commissioners Present: Doug Sederholm (Chair); Ned Orleans; Susan Shea; Pete Cabana; Chris Murphy; Kathy Newman; Jim Athearn.

MVC Staff Present: Mark London; Paul Foley; Bill Wilcox; Jim Miller; Christine Flynn.

1. Middle Line (DRI 597) Post Public Hearing Review

Present for the Applicant: Warren Doty, Riggs Parker, Andy Goldman, Chuck Hodgkinson, Kent Healy.

Project Location: 73 Middle Line Road, Chilmark, MA Map 13 Lot 43

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

Doug Sederholm Chaired the meeting as Christina Brown was unavailable.

Review of Applicant Offers

- The LUPC reviewed the offers submitted to the MVC on May 31, 2007, clarifying the meaning of several items with the Applicant's representatives in attendance.
- **Subdivision:** The Applicants clarified that they would submit the Form C subdivision to the MVC for its "review and approval". The Form C will include adequacy of road access to the project, house siting, final delineation of cut zones, the location of septic systems, lawn areas, and other fire safety issues.
- **Landscaping:** The Applicant clarified that their intention was that "all plantings shall be non-invasive and shall include native..."
- **Affordable Housing:** The Applicants indicated that if there were not enough qualified applicants in the under-100% AMI category, they would make these units available to people in the under-150% AMI category. They indicated that they thought they would have no difficulty finding eligible applicants at the lower level, and have quite a few on their list right now. The Applicants also clarified that the units are being offered Island-wide, but preference is given to Chilmark residents, volunteers, and people working in Chilmark.
- **Wastewater:** A commissioner asked why it is so important that the applicant not need any variance or Special Permit; we have talked about some systems that may need special permits. The Applicants clarified that they would need permission from the Board of Health for Clivus composting toilets but that this offer does not preclude that; the reason they do

not want Special Permits is that they would then be open to litigation. A commissioner pointed out that several affordable housing projects approved by the MVC have been appealed by opponents, regardless of whether the applicant had sought special permits, etc. from other bodies.

- **Open Space – first offer:** There was quite a bit of discussion about what would be allowed in the “no cut zones”. The Applicants have indicated that they may want to create some open meadow areas within the “Open Space”, as the Land Bank did at Waskosim’s Rock. Mark London expressed concern that we be clear about the difference between just preserving open space, and preserving the existing habitat with no-cut zones; if this area is being preserved because it is valuable habitat, cutting trees to create meadows or sports fields could pose a problem; at the very least, it could be specified that any cutting be to create a more varied “natural” habitat. Riggs Parker suggested that the first offer under Open Space be clarified to read:
 - *The project shall be developed in such a way as to retain 70-80 percent of Open Space with native species. There may be some areas within the open space that will be preserved as a meadow – to provide a more varied natural habitat.*
- **Open Space – second offer:** The Applicants clarified that the offer should read:
 - *All significant landscape features such as clay pits and ancient ways shall be protected with a minimum 50-foot **no-cut** buffer with the exception that the access road into the subdivision will cross Holman Road once.*
- **Open Space – third offer:** The Applicants clarified that the wording should be:
 - *The Town **shall** cap the total number of dwellings on the 21-acres at 12.*
- **Habitat:** There was some discussion as to how to define what “any major changes” might be.
- **Energy:** The Applicants clarified the offers to be:
 - *The Applicant shall apply for LEED certification and shall seek the highest possible rating, and*
 - *The Applicant shall apply for a Cape Light Compact grant for energy improvements and shall use any grant that is awarded to upgrade the energy efficiency, and/or to install renewable energy sources on the rental units.*
- **Transportation:** – It was agreed that the discussion of the access issues would wait until the Form C is submitted. In the second offer the offer should read:
 - *The access **plan** to the Middle Line subdivision will indicate the location of the turnouts on Middle Line Road.*
- **Archaeology:** The Applicants clarified the offer includes notifying the Tribe about the archeological survey. Warren Doty noted that they have a quote from the Public Archaeology Lab (PAL) for \$16,200 to do a test pit in each building envelope. If the initial study indicates that there is significant archeological potential, then the Form C application to the Commission could include the proviso, often included in DRI decisions, that the Tribe be notified of any excavation and be allowed to witness it.

Approval Procedure

- There was a discussion as to whether LUPC should look at the Benefits and Detriments, since this is only a Form B, or should this wait for the Form C.

- Staff said that this will be a DRI Decision for the proposal that is before the Commission, irrespective of whether it is a Form B or a Form C. The Decision should be clear about what the Commission is approving, and what remains to be decided, namely:
 1. Building siting, setbacks, and screening along the eastern boundary,
 2. Revisions to the intersection of Middle Line Road and Tabor House Road in order to improve sight lines,
 3. The location of turnouts along Middle Line Road.

Recommendation

- ***Pete Cabana made a motion to recommend approval of the Middle Line Path proposal accepting the offers as clarified including that the project will return to the MVC when they submit the Form C to look at setbacks, screening, sightlines on Tabor House Road, and the adequacy of access. The motion was duly seconded by Chris Murphy.***
- ***The vote was three for the motion to recommend approval (Chris Murphy, Kathy Newman, and Peter Cabana), three against (Jim Athearn, Ned Orleans, and Susan Shea) and one abstention (Doug Sederholm)***
- Jim Athearn said that he voted against this motion as he will be voting against this application on Thursday night for many reasons, especially location and character. There is not much open space land left. This is contrary to smart growth. It doesn't make sense that they are putting this isolated village up in the woods.
- Susan Shea said that she feels like there are too many unresolved questions; usually proposals are more complete before the Commission acts.
- Ned Orleans said that the biggest regional factor here is the location. The Commission normally reacts to each application without looking at the big picture. If we keep doing that, we are going to have 10-20 isolated affordable housing projects all over the Island. This project is not in a good location and it doesn't fit with Chilmark character.
- Doug Sederholm said that although he does not agree with all of the aspects of this project, he does believe that Chilmark is different from the down-Island towns and that the Selectmen have had some difficult cards dealt to them.