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Martha's Vineyard Commission

Land Use Planning Committee

Draft Minutes of the Meeting of July 2, 2007

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

Commissioners Present: Christina Brown, John Breckenridge, Richard Toole, Susan Shea, Chris Murphy, Ned Orleans, Pete Cabana, Mark Morris.

MVC Staff Present: Paul Foley

1. Vineyard Golf (DRI 484-M5) Modification Review

Present for the Applicant: Dick Barbini; Pete Vincent

Project Location: Map 22 Lot 57.12 (11.1 acres) Note: This is one lot within the greater Vineyard Golf property. Because they are requesting a Modification to the Vineyard Golf Decision the whole property is theoretically being reviewed.

Proposal: Vineyard Golf (DRI 484) would like to modify their DRI Decision so that Condition 1a reads: "to allow the construction of nine (9) houses for members" rather than the current Condition 1a that reads: "That should there be any housing to be provided upon the golf course parcel, then said housing should be for the purposes of providing housing for the golf course employee/staff/help". The nine lots for member houses would be on a long term lease and the Club would retain ownership of the land and control of regulation. The houses would be owned by members only and be limited to 4 bedrooms each and a maximum of 5000 square feet. The access road already exists and one house for the caretaker exists on the lot.

Applicant Presentation

- Dick Barbini said they have an 11-acre piece of land that was set aside for staff housing. There is a concept plan that was presented at the time of the original public hearing on the golf course that split the 11 acres into 16 lots. There is a single house on the property that is occupied by the golf course caretaker. They are looking for permission to build nine houses for golf club members within the 15 remaining lots.
- The maximum footprint for any of the proposed member houses would be 5000 square feet with a maximum of 4 bedrooms.
- The houses would be strictly for members only. They are not adding members. That is limited. Several members want to downsize their houses. These will be 99-year leases that would be fully taxable.
- The houses would be on town sewer and town water.
- The road and utilities are already in.
- There are restricted conservation areas all around this piece and the golf course as a whole.
- The club has been in operation for 6 years now and they feel they have a good track record.
- They have 162 Island members whereas they were only mandated for 125.
- They think they have done everything required by the conditions.
- They gave a sewer easement to Morgan Woods.
- If you drive along the Edgartown-West Tisbury road the houses would be barely visible as there is a buffer along the road.

- The affordable housing contribution was a 4 lot contribution. Every year the Club gives \$25,000 to Edgartown Affordable Housing (adjusted to CPI) that is now about \$26,000.
- They have the right to build sixteen staff houses on this lot. They don't want to do that because they have staff housing in a dormitory and several houses. They would like to change the condition.
- Pete Vincent added that these houses would be built on land that is leased so that the club can control who lives here and guarantee that they are members of the club living there. He noted that this still has to go to the ZBA for a public hearing for a change on the special permit. He also reiterated the assertion that they do have the right to build houses for staff on this lot now.

Commissioner Questions

- Commissioner Murphy asked why was it that the MVC restricted them to staff housing only.
 - Dick Barbini said that while he was not involved at the time he has heard that this went on and on and on. It went down to the last minute when Lenny Jason made a motion that all housing would be for staff only.
 - Pete Vincent added that at the time they were asking for more housing (16) then we have here (9). Previously they had asked that lots for members be sold whereas here we are only asking for lease lots.
 - He also noted that originally before this golf course proposal there was a subdivision of up to 143 houses slated for this property.
 - Richard Toole said he thinks the MVC was also concerned that there be enough staff housing.
- Commissioner Shea asked about a plume that is going into Edgartown Great Pond.
 - A commissioner noted that there was quite a bit of information and conditions on wastewater that could be found on page 8 Condition 4B.
 - Pete Vincent noted that the Club has won awards from national organizations for our environmentally organic maintenance.
 - Chairman Brown added that they still are not sure what the cause of the plume is or was.
- Commissioner Orleans said he is trying to look at this from the perspective of now. What are the pros and cons?
- Commissioner Murphy asked if they could explain why leasing is better then selling.
 - Pete Vincent answered that this way they can control who lives there and make sure they are members. This would be a function of the private club not of private owners.
 - Dick Barbini added that this is also member oriented. They are limited to a certain number of members. Therefore the need for staff should be consistent.
- Commissioner Murphy asked if all of the staff is housed on the premises.
 - Pete Vincent said they have bought a few properties for staff off the property, such as for the chef. Otherwise most of the staff lives on the property.
- Commissioner Shea asked how many members they have now.
 - Pete Vincent said they are allowed to have 305 members. They have about 295 memberships sold now, not including the 160 island members.
- Commissioner Murphy asked how MVC's new open space policy applies to this site?
 - Dick Barbini said he thinks you should take into account the entire golf course. When the golf course was approved this area was approved for housing.
 - He added that basically we are here based on our track record. We fulfilled 95% of what we said we would do. We don't think this is an outrageous request. We chose nine because it seemed reasonable.
 - A commissioner noted that it is one less than the number requiring an affordable unit.

Commissioner Discussion

- Commissioner Murphy said he thinks any time we change a major condition we should take it to the full commission for a public hearing.
- Commissioner Toole said he agreed but added that he did not want to put them through torture.
- Commissioner Breckenridge said it does appear that housing was a major concern at the time of the original hearing. He asked staff to send the minutes of the public hearings on this case to commissioners.
- Chairman Brown reminded commissioners that the issue now is staff housing or members housing.
- Commissioner Murphy said his first impression is that there must have been a good reason at the time. So to change it there must be a compelling reason also. So far I don't see a compelling reason other than they want it.
- Commissioner Orleans noted that as he heard Dick say they have no need for more staff housing.
- Commissioner Toole said his recollection is that this was a brutal battle. This condition was thrown out at the last minute to convince a couple of wavering votes. I don't think there was a real compelling issue at the time. We were concerned about the environment. We made a lot of conditions to protect the environment. Now they have a good track record.
- Commissioner Cabana said it sounds like this was a last minute condition, they say that all of these staff housing is taken care of, and they are asking for 9 units instead of 15. It sounds like they have done a good job with the environment. I would question why it would have to go to a public hearing.
- Chairman Brown noted that a public hearing would allow town boards and the public to come in and give testimony.
- Commissioner Morris said he agrees with Pete Cabana. They are cutting 16 lots down to 9, they are leasing, and they are going on sewer. They have an organic golf course. I don't see anything negative.
- Chairman Brown said it is not whether it was a good proposal, it is whether this requires a public hearing.
- Commissioner Murphy said it seems to him that the key word here is "staff" or "member". It was a big deal at the time and we should figure that out. Why was it a big deal? So if you take out 15 units of affordable housing and make it 9 units of market rate housing that is a big change to me. There is something to say about the process.

LUPC Recommendation

- Commissioner Orleans said he may be oversimplifying this but that he thinks he would most likely approve this request but thinks that it should probably go to a public hearing. He added that can be a motion.
- Commissioner Murphy seconded the motion.
- Commissioner Toole noted that someone on the commission is going to want an additional donation to affordable housing if they are building nine more houses for members.
- The Motion to recommend to the full commission that this is a significant change and requires DRI Review with a public hearing passed 6 to 1 with one abstention.
- Voting to recommend a public hearing: CM, SS, NO, RT, JB, PC. Voting against: MM
- Dick Barbini asked if they could bypass the concurrence vote and go straight to public hearing.
- Commissioner Orleans asked staff to compile all of the minutes from the original DRI Hearings.

Adjourned 6:15