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## **Martha's Vineyard Commission**

### **Land Use Planning Committee**

# **Notes of the Meeting of September 14, 2009**

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

*Commissioners Present: Linda Sibley; Chris Murphy; and John Breckenridge.*

*MVC Staff Present: Paul Foley.*

#### **1. DRI 619-M Igreja Evangelica de Deus Semear - Fence**

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**Applicant:** Igreja Evangelica Assembleia De Deus Semear; Carlos (?) and Darci F. Peres (Pastor/President).

**Project Location:** 60 Pacific Avenue, Oak Bluffs Map 11 Lot 272 (29,400 sf, 0.67 acres)

**Proposal:** To move one fence 4 feet closer to the property line and switch red oak for pin oak.

- Paul Foley gave a brief Staff Report and orientation slide show.

#### **Presentation:**

- Carlos said that it is a four foot natural cedar fence. The reason they want to move it is that they don't want to cut down the existing mature trees that stand where the fence is located on the plan.
- Also, if they have to maintain plants on the other side it might be difficult to do it without going onto the neighbor's property.
- Carlos added that Carlos Montoya had suggested they replace the 6 red oaks on the plan with pin oaks because they want to plant now and the red oaks do not transplant well in the autumn.

#### **Discussion:**

- Commissioner Breckenridge said that fences in certain contexts seem very much in your face. The purpose of landscaping on the neighbors side is to soften that face. This situation is unique in that we have a vacant rundown lot. Potentially someone might fix it. What if we said okay move the fence but say that if someone were to fix the neighboring house and request within a certain amount of time some planting on the other side the church would pay for the planting.
- Commissioner Murphy asked if they could put the fence on the church side of the trees. He added that it's always a question of is there a nicer alternative.
- Chairman Sibley said her reaction is different. First of all making it look nice is good but they shouldn't be forced to give up these trees. They should do what they want to do which is to move that fence. She doesn't think they should have to plant and maintain anything on the other side. If the neighbors do something on the other side within a few years the church could be required to plant a certain number of plants on the other side without the need to maintain them.
- Commissioner Murphy asked why they are putting up a fence at all. They are protecting the neighbors from lights and noise and other incursions onto the neighboring properties. Maybe it would be better to not have a fence in this situation.
- Carlos said that he and the church think the neighbors want a fence and they feel it will help to block the headlights of cars.

- Chairman Sibley noted that this is a more urban environment than some of the other projects we have seen. In town people are more comfortable with fences. She feels pretty sure that whoever ends up living in that house would want to be protected from the car headlights.
- Commissioner Breckenridge asked how many plants are shown on the landscaping plan that were going to be planted there.
- Paul Foley said about 20 bushes of inkberry and switchgrass.
- Commissioner Breckenridge suggested that we should say that if the neighbor fixes up the house next door and requests the plants within a reasonable amount of time, say five years from now, then maybe the church could plant them at that time.
- Chairman Sibley added that she thinks that there is a public interest of having the inside of the fence planted.

**Motion:**

- **John Breckenridge made a Motion that we recommend to the full Commission to approve the applicants request to place the fence closer to the boundary, saving the trees, with the provision that if the neighbor requests the planting of those 20 plants the applicant must fund the purchase (but are not responsible the planting or the maintenance) of those plants on the neighbor's property if requested by the neighbor within 5 years of this modification. (See attached plant list)**
- Commissioner Murphy said that before they voted he would like to ask if it is possible to do it without the fence and just do landscaping?
- Carlos reiterated that he felt that the point of the fence is to protect the neighborhood from the headlights of the cars.
- Chairman Sibley asked if that could not be done with vegetation.
- Carlos pointed out that across the street (from the MVC) there is a privet hedge and it lets the light through. He would be more comfortable if he was a neighbor with a fence there.
- **Chris Murphy seconded the motion. The LUPC voted unanimously to approve the motion recommending to the full commission to allow the modification.**

Adjourned 6:12