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Martha's Vineyard Commission

Land Use Planning Committee

Draft Notes of the Meeting of July 12, 2010

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

Commissioners Present:; Christina Brown; Ned Orleans; Chris Murphy; John Breckenridge; Fred Hancock; Holly Stephenson; and Linda Sibley (at 5:50)

MVC Staff Present: Paul Foley; Mark London; Bill Wilcox; Mike Mauro

1. DRI 625 – 2010 Chasin Division

Applicants: Glenn Provost

Applicant Presentation:

- Glenn Provost of Vineyard Land Surveying presented the project.
- The land is in Chappaquiddick and bounded by Quammox, Litchfield, and Jeremiah Roads and Katama Bay. The Chasin's sold some land across Quammox Road to the Land Bank.
- The lot lines that show up on the tax map have changed. The Chasin's de-registered the land that was in the Land Court registration system.
- The piece that is shown with 25 acres is in a trust in which they are the primary beneficiaries trustees. The rest they own outright.
- Everything within the green lines on the plan is the 69-acres that are the subject of this Form A.
- There are two existing dwellings that are serviced off of Quammox Road. Trip Barnes father used to own all of this. The Cashin's live in the main house which will retain the existing guest house. There is also an existing tennis court.
- They would like to divide the land into 10 lots and an 11th parcel as parking for the lot across the street owned by the Land Bank. They are making the parking a separate piece here because there is a possibility that they would convey the fee in that land after the lease runs out.
- There are building envelopes on each lot.
- The plan he is presenting here today is a little different than the one staff has seen. They have added building lots on the existing buildings.
- Lot 3 is a three-acre lot they are creating as a youth lot in perpetuity.
- There have been a whole lot of plans on this land before.
- There are no new roads proposed. Quammox Road services lots 4 and 5. They would be accessing the affordable lot (3) from the Cashin driveway. There is a possibility that they are going to get access for the youth lot off of Jeremiah. So they have given it fifty feet of frontage on the driveway and Jeremiah. The main driveway has been around since the subdivision control law came into effect in 1973.
- Some of the things they are going to restrict.
 - There is a lot of detail about livestock, and signs, and what you can store in your yard.
 - There will be no further sub-division. There could be moving of lines but no additional lots.
 - All lots will be part of the homeowners association. The youth lot will not be made to pay fees as long as it is affordable.

- They can have single family dwellings and a guest house as well as appurtenances such as garage and shed on each lot. They can have a pool but there will be no more tennis courts.
- The pools are limited to no above ground pools. In-ground pools are prohibited on Lots 3 and 6. In-ground pools cannot exceed 800 sf.
- All structures have to be within the building envelope. Septic systems and such may be located outside the building envelopes.
- Guest houses can have a maximum of 2 bedrooms. Main houses are limited to no more than 6 bedrooms. Guest houses are prohibited on lots 3 and 6.
- There is a prohibition against any piers or floating docks of any shape.
- Asphalt is prohibited. Any septic system component can not be closer than 400 feet to Katama Bay. In addition to the 400 feet any septic design must include a drip irrigation denitrification component.
- Any fertilizers used will be such as the MVC usually requires.

Commissioner Questions:

- Chris Murphy asked for clarification on what Mr. Provost had said about development in the new building envelopes on lots with existing houses. Something to the effect that if they could build in the envelope and keep the existing dwelling which is outside of the new envelope.
- Glenn Provost said he would go over that language later.
- John Breckenridge asked a question regarding limiting the size of guest houses on lots with existing houses. What is the square footage on Lots 4 and 5 of the existing houses?
- Glenn Provost added that they had Mark Mello from the Lloyd Environmental Center in Dartmouth look at the habitat. NHESP told them to look at it. The Applicant had Mr. Mello look at the species list they got from the NHESP. Glenn added that they are not doing any development at this time so he feels that when someone wants to build they will have to go through that at that time.
- Mark London said we will need more information about that. We have said that lots over 6-acres are lots we want to look at from an open space point of view. We should re-read the MVC Open Space Policy. We should look at it from a regional perspective. It would be useful to get the info that Mello gave you.
- Glenn Provost said he didn't want to complicate the fact that we are not doing any development.
- Mark London pointed out that development will happen.
- Glenn Provost said he used as a guideline how the MVC dealt with the issue with Red Gate Farm and Caroline Kennedy.
- Glenn continued describing the project:
 - There is an existing path that lots 10, 9, and 8 are going to use to get to the beach. There will be no stairs.
 - On lots 2, 7, 8, 9, and 10 the footprint of all dwellings (house and guest house) shall not exceed 6,000 sf. the footprint.
 - On lots 1, 4, 5, and 6 the footprint of buildings cannot exceed 5,000 square feet. On lot 3 the footprint cannot exceed 3,000 square feet. The calculation of footprint shall be exclusive of garages, porches, etc...
 - Managed lawns on each lot shall not extend beyond the envelope. Lots 1, 3, 4, 5, and 6 shall not exceed 5,000 sf of managed lawn. Lots 2, 7, 8, 9, and 10 shall not exceed 8,000 sf. Notwithstanding this statement, the managed lawn that currently exists as of this declaration on lots 4, 5, and 7 may be continued to be maintained.
 - Bill Wilcox asked what if they wanted to mow a lawn and create a field.
 - Glenn Provost said he doesn't think they have totally addressed that yet.

- Only non-invasive plant species may be used in landscaping.
- He has a copy of what the attorney has written to date about easements and ownership.
- Christina Brown said we might want to look at the Land Bank agreements when they bought the land. She seems to remember that they did not want changes to Quammox Road because it just two tracks. She added that one could argue that there was a house on lot 2 a few years ago.
- Glenn Provost said it's not like they have ten new buildings on a main road. All the roads already exist; they are simply creating a couple of short, shared driveways. It's not much of an impact.
- Chris Murphy asked why they did not do this as a Form C.
- Glenn Provost responded that you would never do a Form C if you can do a Form A.
- Chris Murphy said that the distinction is essentially a question of control. To him this is a tortured way of dividing the land. The lots are fairly big and the envelopes are fairly small but it seems to him that this is an old way of looking at a piece of land as a way to create lots rather than thinking about how to care for the land.
- Glenn Provost said he thinks Chris's explanation is wrong. He said he has been working on this plan for ten years. They have tried to address all of the issues. One of things they have done is have every envelope and driveway staked and had PAL do an Archeological Survey and the State (Mass Historic) has signed off on it. They have not done this haphazardly. They are showing two entrances for three lots on Jeremiah. It's pretty benign.
- Linda Sibley asked if the topography is such that all of these houses will have a view.
- Glenn Provost said he thinks that lots 7, 8, 9, and 10 will have views. Lots 4 and 5 might have a bit of a view.
- Chris Murphy clarified that the problem from his point of view is that they have worked on this plan for ten years and we are just seeing it now. So now they are heavily invested in this plan. They won't be open to any changes.
- Christina Brown said we will be looking at the Open Space Policy and the Mello study.
- John Breckenridge suggested that they might want to think about native "drought tolerant" species. The staff notes talk about limiting managed turf. Maybe they could have a larger turf area if it wasn't being maintained.

Traffic:

- The Traffic Scope was prepared by MVC Staff and included (in addition to the usual items such as a trip generation summary and an analysis of accidents and sightlines)
 - A summary of traffic counts on the neighboring street network would be compiled. *Streets to include*
 - Chappaquiddick Road, west of Litchfield Road
 - Chappaquiddick Road, west of Dike Road
 - An analysis of the impact on the Chappaquiddick Ferry.
 - An analysis to assess the adequacy of sightlines at the intersection of the various driveways.
 - An analysis to assess the potential impacts on Litchfield, Quammox, and Jeremiah Roads.
- Mike Mauro said he would be hesitant to put traffic counters on dirt roads.
- Mark London said just to be clear that the applicant will do traffic impact study. The MVC Staff can give them a hand but the applicant is responsible for putting the study together.
- **John Breckenridge made a Motion to approve the traffic scope as recommended by staff which was duly seconded by Ned Orleans and approved unanimously.**
- Glenn Provost said he would like to go forward with scheduling once they have the traffic study in hand and they have looked at the MVC Open Space Policy. He will call Paul and schedule when they are ready. There is no rush.