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Martha's Vineyard Commission

Land Use Planning Committee

Notes of the Meeting of January 7, 2013

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

Commissioners Present: Brian Smith; Linda Sibley; Trip Barnes; Madeleine Fisher; John Breckenridge; and Christina Brown.

MVC Staff Present: Paul Foley; Bill Veno; Sheri Caseau.

The LUPC reviewed two projects on January 7, 2013: A modification review of the Chadwick Inn conversion (DRI 287-M) and a modification review of the creation of a one-acre homesite lot at Plum Bush Point (DRI 124-M3).

Documents referred to during the meeting:

- LUPC Agenda of January 7, 2013
- DRI 287-M Applicant Narrative
- DRI 287-M Plans
- DRI 124-M3 Plum Bush Point Homesite Lot Staff Report 20-13-01-07

1. DRI 287-M Chadwick Inn Conversion – Modification Review

Applicant: Jane Street Realty; Chris Price

Location: 67 Winter Street, Edgartown Map 20D Lots 105.1, 105.2, and 105.3.

Proposal: To convert a 23 bedroom inn into a 32 bedroom dormitory for downtown employees.

Purpose: To review the project and decide whether or not to make a recommendation to the full Commission as to whether this is a significant change to the approved DRI requiring a public hearing review as a Development of Regional Impact.

Brian Smith opened the meeting by welcoming the new commissioners and describing the purpose and role of the Land Use Planning Committee.

Presentation:

- Paul Foley briefly described the project and presented a slide show with the plans and photos of the site.
- The Chadwick Inn was reviewed in 1988 by the MVC and approved. The approved expansion also included a lap pool which was never built.
- The proposal is to convert a 23 bedroom inn into a 32 bedroom dormitory for employees of the Atlantic Bar and Restaurant; the Field Club; and possibly the Harborview Hotel.
- The new rooms would be carved out of existing space that is currently a commercial kitchen, dining area, library, and reception areas. They do not plan to expand the footprint. They plan to improve the exterior appearance of the building.
- Chris Price of Jane Street Realty presented the proposal.

- They have three buildings. Each will be leased to a separate group for housing of their employees. The lease will be with the employers. The number of parking spaces allotted will be in the lease with the employers.
- They currently have 15 parking spaces and will encourage bus passes. Many of the employees that currently live here do not have cars as many of them are from foreign countries. The Field Club runs a shuttle to ferry employees between the Field Club and town.
- The 32 rooms could have up to 2 people per room for a maximum of 64 people though he expects the number would more likely be in the low 40's.

Discussion:

- Christina Brown asked who would monitor the building.
- Chris Price said that Jane Street is his family's business and owns the building. They would expect the employers who lease the various buildings to monitor their employees. They have closed circuit surveillance already. Within the lease the employers will be responsible. There would be three entities: the Harborview, The Field Club, and The Atlantic.
- Brian Smith who gets the phone call if there is a problem.
- Chris Price said that they could call him. They also have Charlie Day Plumbing on the island and George Cuomo is their caretaker.
- John Breckenridge asked about the Historic District.
- Chris Price said that they have already been approved by the Historic District.
- Brian Smith asked how many parking spaces the proposal was approved for in 1988.
- Chris Price said they have 15 parking spaces now.
- Paul Foley said he would check the 1988 Decision to see how many they were approved for.
- Brian Smith his only major concern was if there were 64 people housed in the building there could be a need for more parking.
- Chris Price reiterated that a lot of the employees are foreigners who do not have cars.
- Linda Sibley asked if they were removing the commercial kitchen.
- Chris Price said that the commercial kitchen in the main building (A) will be gone but that in building B there will be a shared laundry and kitchenette space. Buildings A and B are connected by a breezeway on the ground floor and a hall on the second.
- Linda Sibley asked if the building would be year round.
- Chris Price answered yes.
- Christina Brown asked what other permits they need.
- Chris Price answered that they have been approved by the Historic Commission and need a Building Permit and approval from the Board of Health and Sewer Commission. No limit on taps in B-1
- ***John Breckenridge made a Motion to recommend to the full Commission that this is not a significant enough change to the original DRI to warrant a public hearing review as a DRI. The Motion was seconded by Linda Sibley and passed unanimously.***
- ***John Breckenridge made a second Motion to recommend to the full Commission to approve the modification. The Motion was seconded by Linda Sibley and passed unanimously.***

2. DRI 124-M3 Plum Bush Pt Homesite Lot Modification Review

DRI No. DRI 124-M3.

Applicant: Timothy Silva (Owner); Reid Silva (Agent -VLS)

Proposal: Subdivide one 4.1-acre lot into on 3.1-acre lot and one 1-acre homesite lot.

Location: Plum Bush Point Road, West Tisbury Map 35 Lot 6.161 (4.1 acres)

Purpose: To review the project and decide whether or not to make a recommendation to the full Commission whether this is a significant change to the approved DRI requiring a public hearing as a DRI.

Presentation:

- Paul Foley presented a brief history of the Plum Bush Point Subdivision with a slide show to help explain the development through the years.
- The Plum Bush Pont Subdivision came to the MVC for DRI Review in 1980 and was approved for the division of 211 acres into 14 lots buildable lots and one large conservation piece (52.1 acres). 12 of the 14 buildable lots were approximately 4 to 5 acres in size. The subdivision also included one large farm lot (Lot 14) of 76.54 acres and one other large lot of 25 acres (Lot 13).
- In 1984 the property went back to the West Tisbury Planning Board and created two more lots out of the two large lots. In 1987 the property went back to the West Tisbury Planning Board and moved the lines between two of those lots created in 1984. In 1992 the property came back to the MVC as DRI 388 and created four lots out of one of the lots created in 1987 and divided one of the lots created in 1984. The current proposal is to divide one of these lots created in 1992.
- In 1995 the property came back to the MVC to remove an easement to the water. Four lots each had access to the water but were bought by the same family (Goodman) and they did not want an easement crossing all of the lots. Also at this time, though not shown in the plans in the file, as described in the staff report two additional 3-acre lots (Lots 6.18 and 6.19) were created.
- Landscaping and tennis court plans for the Goodman lots were reviewed in 2003.
- The current proposal is to carve a 1-acre homesite lot out of one of the 1992 lots.
- The key planning concern is the nitrogen loading. He explained that though the property is only 4.1 acres it is grandfathered in to be allowed an 800 sf guest house.
- To cut to the chase there are essentially three options for allowing the proposal and meet the MVC Nitrogen loading policy.
- The first would be a total of 7 bedrooms in both houses with a typical de-nitrification system, say 5 in the main house and 2 in the affordable house: **7.70 kg/yr**
- Or 6 bedrooms in the main house with de-nitrification (6.60 kg) and 2 bedrooms in the affordable house on a composting toilet (0.44 kg): **7.04 kg/yr**
- Or 4 bedrooms in the main house without de-nitrification (7.60 kg) and 2 bedrooms in the affordable house on a composting toilet (0.44 kg) – slightly over the limit: **8.04 kg/yr**

Discussion:

- John Breckenridge asked if there were any old conditions that have not been met.
- Paul Foley said that the conditions were for landscaping to come back (which it did in 2003), limiting access to the water to two points, and guesthouses were only allowed on two the four lots.
- John Breckenridge asked if the two properties could share a wastewater system
- Reid Silva said yes but that usually turns into a nightmare. Theoretically it's a good concept but it does not work. He asked what the nitrogen load would be if the affordable only did one bedroom.
- Sheri Caseau said that she thought they could do a one-bedroom without de-nitrification on the one-acre lot and about three bedrooms on the main property but she would have to run the numbers.
- Brian Smith asked how many bedrooms they could have if the project were not in front of the MVC.

- Paul Foley said that the Board of Health allows one-bedroom for every 10,000 square feet so the 4.1 acre property could be allowed to have up to 17 bedrooms if not for the MVC Nitrogen concern.
- John Breckenridge asked the Applicant what his plans for the 3.1 acre property was and if he was willing to de-nitrification.
- Tim Silva said he does not have plans to build on 3.1 acre piece now.
- Linda Sibley said it seemed unfair to hold them to the MVC Nitrogen standard when all of the other lots out there are unrestricted. The Applicant is diminishing the value of his property in order to do a good turn for someone. He is being incredibly unselfish. In effect he would have to spend whatever profit he gets on this sale on de-nitrification. If we saw the whole project now we would put them all on de-nitrification.
- Reid Silva said both properties would have a well. The one-acre would be limited to 4 bedrooms by the Board of Health. The 3.1 acre would then be limited to 12 bedrooms but he doubts that anyone would ever build that. The question is how many are reasonable. He added that de-nitrification is counter intuitive to affordable housing because it costs more, both for installation but also for ongoing testing, maintenance, and electricity.
- Trip Barnes noted that the whole subdivision is connected to a large 52 acre open space that was part of the original family land. Shouldn't they get some credit for all of that undeveloped land?
- Christina Brown said it doesn't make sense to put severe restrictions on last lot to come to us when the other lots have not been held to such a high standard. She added that our policy is a guideline and not a rigid policy.
- Linda Sibley asked if they were comfortable with offering de-nitrification or composting toilets.
- Susan Bellincampi said she is not sure how many bedrooms she would want. She is concerned for the pond but de-nitrification seems very expensive.
- Reid Silva said they would look at the numbers and come back with a proposal on Thursday. He added that he knows that the full Commission would have several members who might be stricter on the nitrogen loading.
- Linda Sibley said it would be difficult to make a recommendation without a firm proposal.
- Madeleine Fisher asked about the status of some of the other lots.
- Tim Silva said that lot 6.17 is in Chapter 61A and his parents farm that. Lot 6.15 belongs to his uncle and is mostly wooded. Lot 6.14 is the 52 acres in conservation. Lot 6 is mostly wooded with grassland and some old farm buildings.
- Bill Venno noted that the rules have changed since the previous subdivision because the knowledge of the effects of nitrogen on the ponds has grown. We should be careful about making exceptions to the policy. What if all of the other lots in the subdivision wanted to do the same thing and carve off a one-acre homesite lot? If you set a precedent and make an exception to the policy in this case then you may be put in a position to do it again and again.
- Linda Sibley noted that only a few properties in town have done the one-acre affordable lot.
- Trip Barnes added that the property has been in the family for generations and they have been good stewards.
- Reid Silva added that the only reason the property was subdivided in the first place was to pay the land taxes. He wished the Land Bank had been around back then, maybe they would have bought it and preserved it.
- Brian Smith said that the LUPC will not make a recommendation because there is not a firm proposal on the table regarding the number of bedrooms.

The meeting was adjourned at 6:30 pm.