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Minutes of the Meeting of December 16, 2004
Held in the Olde Stone Building,
33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

Commissioners: James Athearn (Elected – Edgartown), John Best (Elected – Tisbury), John Breckenridge (Appointed – Oak Bluffs), Christina Brown (Elected – Edgartown), Linda DeWitt (Appointed - Edgartown), Jane Greene (Appointed – Chilmark), Katherine Newman (Appointed – Aquinnah), Ned Orleans (Appointed - Tisbury), Megan Ottens-Sargent (Elected – Aquinnah), Doug Sederholm (Elected – Chilmark), Linda Sibley (Elected - West Tisbury), Paul Strauss (County Comm. Rep.), Richard Toole (Elected-Oak Bluffs), Andrew Woodruff (Elected-West Tisbury)

Staff: Mark London (Executive Director), Bill Venno (Senior Planner), Paul Foley (DRI Analyst)

There being a quorum present, Jim Athearn, Chair, called the meeting to order at 7:38 p.m.

1. MARTHA'S VINEYARD HOUSING BANK & COMMUNITY PRESERVATION ACT

Commissioners Present: J. Athearn, J. Best, J. Breckenridge, C. Brown, L. DeWitt, J. Greene, K. Newman, N. Orleans, M. Ottens-Sargent, D. Sederholm, L. Sibley, P. Strauss, R. Toole, A. Woodruff

Presenters: John Abrams, Abbe Burt, Bob Wheeler

John Abrams presented information about the effort to remove affordable housing programs from dependence on private sector donations.

- The goal is to have all Island communities pass the Community Preservation Act and to vote in support of the creation of the Martha's Vineyard Housing Bank that would be based on the Land Bank model with a 1% seller's transfer fee.
- The creation of the Martha's Vineyard Housing Bank requires 100% Island consensus.
- Organizers are presenting this proposal to organizations and boards across the Island and intend to have the endorsement of 40-50 Island organizations.

Abbe Burt explained that they are talking about a two-pronged initiative to raise \$5 million.

- The Community Preservation Act will be a 3% surcharge added to real estate taxes based on assessed value. The first \$100,000 of assessment would be exempt. Low-income household would be exempt. The state matches the amount each town raises. Through fees on real estate transfers, the State has funded the program for at least the next five years. Four towns on the Island will have the question on the ballot this spring.
- The MV Housing Bank initiative will start with a non-binding warrant article to see if it is the will of the voters to establish a housing bank. To proceed, legislators will need to see a resounding vote for the Housing Bank. Six towns need to pass the Community Preservation Act before legislators will consider instituting a tax on real estate transfers through a housing bank.
- Housing funded through the Community Preservation Act and Housing Bank would serve year-round Vineyard residents earning up to 150% of median income, or about \$99,000.

Bob Wheeler said he could not think of an issue that has more of an impact. He believes that the Vineyard way of life is threatened if affordable housing isn't supported. The island will lose its infrastructure. He said he is asking for support from the Commissioners as committee members and as individuals to help Islanders understand and support the two programs.

Abbe Burt explained that they envision the Housing Bank operating like the Land Bank.

- The Housing Bank would collect a 1% transfer tax from the seller for sales of \$750,000 or more. The Land Bank would administer the collection of the money.
- The Housing Bank and CPA are funding mechanisms only and would not own land or property. They would give grants to individuals or towns or groups that make proposals. Neither organization plans projects; they allocate money to projects.
- The Housing Bank would have a central committee and each town would have an advisory committee.
- The Community Preservation Act Committee would make recommendations to town meeting and towns approve allocation of money, which could go to regional or local projects.

James Athearn asked for clarification that the Housing Bank is not a land development agency; the goal is to keep housing affordable and not necessarily build new houses. **Abbe Burt** replied that projects might be rehabilitation of properties, building on town land but not necessarily supporting widespread building. When the paperwork is sent to Boston for approval, it will include language about protecting the rural character of the Island, as well as fragile habitat. The Housing Bank is not all about new construction.

Megan Ottens-Sargent said she hopes that water quality issues will be considered. **John Abrams** said that priorities would be set by the people elected to the committees.

Megan Ottens-Sargent asked whether an individual could apply for housing help. **Abbe Burt** explained that anyone can apply but the only caveat is that in perpetuity the property has to be permanently affordable. She said that concerns and priorities could be addressed when legislation is written.

Linda Sibley asked how the Island Housing Trust would fit into the mix. **John Abrams** said The Island Housing Trust is a recently formed organization. He said that it is a private non-profit

that can hold and keep land in restriction in more solid ways than deed restrictions. Its board is made up of housing people and one representative from each town. The Trust is buying land.

Abbe Burt said there are ten different housing groups on the island.

Andrew Woodruff said that he supports the renovation and rehabilitation of structures. He suggested that towns look at changing zoning to create more density. **John Abrams** said it is a priority and a lot is happening in that area.

Mark London said the Commission and the Island Affordable Housing Fund and Regional Housing Authority have been working on zoning and affordable housing strategies linked with Community Development Plans. He said planning and zoning will continued to be the focus of the island affordable housing committees as this legislation is put in place.

Doug Sederholm asked about the source of funding for the Housing Bank. **John Abrams** confirmed that it is expected that \$233 million can be raised on sales in excess of \$750,000.

Megan Ottens-Sargent asked about housing organizations and resident homesite committees. There is funding for Aquinnah and Chilmark Resident Homesite Committees; both towns passed the Community Preservation Act in 2001. **John Abrams** said the CPA is great, but limited, and the Housing Bank will help. He said that Chilmark has been allocating 80% per \$1,000 of CPA funds, but the town can allocate the money the way they want.

Richard Toole moved and it was duly seconded that the Martha's Vineyard Commission wholeheartedly endorse the two proposals and do everything it can to support the proposals and see that they are enacted in 2005.

Ann Millstein of Vineyard Haven said she appreciated the Commission's endorsement of the proposals.

James Athearn suggested that the language of the non-binding legislation could sketch out the priorities for projects that would be funded.

Abbe Burt responded that the legal wording does not include priorities. The wording as is goes to the Legislature is simply that it is the will of the people that the Housing Bank be established. She suggested that if the Commission wanted to include wording that it participate in the wording of the legislation.

Richard Toole amended his motion to add that the Commission would like to have the opportunity to participate in the wording of the legislation. A voice vote was taken. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.

Linda Sibley said the Commission needs to thank everyone involved for their work and for providing full-time staff.

2. SOUTH MOUNTAIN: DRI-462M

Commissioners Present: J. Athearn, J. Best, J. Breckenridge, C. Brown, L. DeWitt, J. Greene, K. Newman, N. Orleans, M. Ottens-Sargent, D. Sederholm, L. Sibley, P. Strauss, R. Toole, A. Woodruff

Presenters: John Abrams, owner

2.1 Staff Report

Paul Foley gave the staff report. The proposal is for:

- a 855 sq. ft. addition above the shop
- a 455 sq. ft. addition
- 1,500 sq. ft. of storage

LUPC was in agreement that under 3.301B this is a new commercial building and, because of the square footage, the proposal needs to go to public hearing.

2.2 LUPC Report

Christina Brown moved and it was duly seconded that the Commissioners as a whole go into LUPC to endorse the outline of the traffic study. A voice vote was taken. In favor: 14. Opposed: 0. Abstentions: 0.

Christina Brown explained that every DRI has to have traffic information. LUPC then approves the outline of the study.

Paul Foley explained that three traffic counters were used with the following results:

- South Mountain currently generates 110 weekday trips; 19% of the traffic
- South Mountain generates 38 weekend trips; 7% of the traffic
- Estimates based on square footage are that the expansion will generate 30 more trips per day; 23% of the weekday traffic.
- Summer traffic on Stoney Hill Road is estimated at 1115 trips per day; after the expansion, South Mountain's traffic will be 12% of summer weekday trips.

Richard Toole commented that most South Mountain trips leave by State Road and are on Stoney Hill Road for only a short section.

Linda Sibley asked what percent of South Mountain traffic is equipment, employees, and residents returning to Community Housing. **Linda Sibley** noted that the traffic report has to address the questions.

Megan Ottens-Sargent pointed out that the expansion would be for more office space.

Christina Brown asked for more information on the difference between cars and trucks, how many South Mountain trips are going to or coming from Co-Housing, and projections based on proposed use of the additional square footage.

Mark London said that the traffic planner will often devote a few hours to each project. For this project, the planner could use his time to make some calculations that coincided with his work on a Co-Housing traffic study.

Linda Sibley said she recalled a traffic study related to South Mountain and Co-Housing. **John Abrams** said the study was done in 1998 and it was theoretical.

Linda Sibley moved and it was duly seconded that a full traffic study isn't necessary and staff will assist in developing the scope as outlined in limited cooperation with the applicant. A voice vote was taken. In favor: 13. Opposition: 0. Abstentions: 1.

Skip Manter, West Tisbury Selectmen, said he has a general interest in the project, but no specific comments.

Jane Greene moved and it was duly seconded to go back into regular session. In favor: 14. Opposition: 0. Abstentions: 0.

3. 4 CAUSEWAY ROAD: DRI NO. 574-2 – WRITTEN DECISION

Commissioners Present: J. Athearn, J. Best, C. Brown, L. DeWitt, J. Greene, N. Orleans, M. Ottens-Sargent, D. Sederholm, L. Sibley

Commissioners Present but ineligible to vote on the item: J. Breckenridge, K. Newman, P. Strauss, R. Toole, A. Woodruff

Commissioners were in consensus on the following revisions/corrections:

- A3: para. 1, penultimate sentence - . . . alternate modes of transportation – to mitigate impacts to traffic
- A3: para. 2, last sentence - scenic values
- A3: para. 2, second sentence – delete
- A1: para. 1, second sentence - . . . within the zoned business district of the traditional town center
- A3: para. 1, last sentence – The Commission notes that the outlet of Causeway Road
- 4.9 Conditions – There shall always be at least one two-bedroom . . .
- 4.12 Conditions - . . . maintained for the life of the project in accordance with the approved landscaping plan
- 4.4 Conditions, first sentence – the Applicant shall replant one or more replacement trees
- 4.4 Conditions, second sentence – in the use of site design of the park
- 4.2 Conditions, last sentence – shall be rented as a two-bedroom residence in a like manner, and the rent accordingly reduced

Doug Sederholm asked whether the applicant had committed himself to no further development of the site. He had not.

Commissioners discussed the wording of Condition 4.1 related to year-round rental of residential units for a period of ten years.

- **Doug Sederholm** asked whether the ten years for a converted unit begins with the date of occupancy or the date of conversion.
- **Jane Greene** asked whether 4.1 reflected the applicant's intent.
- **Mark London** read from the signed offer that all residential units on the property shall be rented on a year round basis for a period of ten years from the date of certificates of occupancy.

- **John Best** said he believed the applicant's intent was to rent each property for a period of ten years from the date of that property's occupancy.
- **Linda Sibley** said it was her understanding that the applicant intended to bind himself for only the next ten years. **Jane Greene** agreed.
- **Christina Brown** said she believed that the applicant's offer was, ten years from when the buildings are done, he would rent out whatever residences he had year round for a period of ten years. She believed the applicant's offer was a limit of ten years and she felt that this written decision reflects that offer.
- **Doug Sederholm** said he understood that the residential units would be year round for ten years from the date they were first residential. The applicant can rent the converted units at fair market. He said he voted for the plan with the understanding of potential additional year round units in Vineyard Haven.
- **John Best** said he believed that the applicant committed himself to year round rentals and recollected that the applicant said he had no intention of doing seasonal or short-term rentals.
- **Linda Sibley** said her understanding was that at the end of ten years, the year round rental commitment ended.
- **Megan Ottens-Sargent** said her impression was that the applicant was talking about the two rental units that were in the plan, not the potential conversion of office space. She felt the offer had no reference at all to the potential conversion.
- **James Athearn** said he felt the affordability and year round reference was to the residential space in the plan. He said his impression was that the office space converted to residential was so vague that it was never conditioned.
- **Mark London** said he believed that item 1 refers to the commitment that all residential units on the property would be rented on a year round basis. Item 2 refers to the rent of the 2 to 3-bedroom residential unit. Commissioners will need to clarify whether ten years is referenced from the date the buildings are finished or the date any units become residential.
- **Kathy Newman** asked whether it is appropriate to clarify the wording and work with the applicant to be clear.
- **John Best** suggested adding "from the point at which they are occupied as residences" to the offer.
- **James Athearn** suggested leaving the language as it is because that is the most conservative; that is what the applicant said; that is what Commissioners vote on.

Commissioners who were at the previous meetings were polled on their understanding of the offer:

- **Ned Orleans** said he was unclear on his recollection.
- **Paul Strauss** said his interpretation is that the ten years refers to the date of occupancy of each residential unit.
- **Megan Ottens-Sargent** said she did not believe the ten years referred to the conversion of any unit, but only to the original residences in the plan.
- **John Best** said the applicant had said he might build the project in phases. He suggested leaving the wording as is.

- **James Athearn** said when he agreed to the wording, it was in reference to the residential units and was not thinking about the possible conversions. He suggested leaving the language as is.
- **Doug Sederholm** said he interpreted the agreement to mean that whenever a unit was rented as residential, it would be rented year round for a period of ten years.
- **Linda DeWitt** said she agrees that part of the difficulty is enforcement. She said she believed the language should stay as it is.
- **Christine Brown** said language should stay as it is.
- **Jane Greene** said she believed the applicant meant ten years for the residential house and the words are in plurals because it was going to be either a 3-bedroom or 2-bedroom house.

The majority of Commissioners agreed that the language should be left as is.

Doug Sederholm moved and it was duly seconded to add the condition that was implicit in the oral vote that each residential unit on the property shall be rented on a year round basis only for a minimum period of ten years from the date that the unit is first occupied as a residential unit.

Doug Sederholm said he recognizes John Best's point about the difficulty of enforcement of this provision, but that isn't a good reason not to do it.

In response to Linda Sibley's suggestions, Doug Sederholm accepted as an amendment to his motion that the condition he proposed be added as a second paragraph to 4.1.

Mark London clarified that this can only be approved if it is a clarification and not a new decision.

A voice vote was taken. In favor: 7. Opposed: 1. Abstentions: 1.

Jane Greene suggested that "As offered by the Applicant" be removed from 4.9 because the applicant didn't offer that in writing. **Linda Sibley** pointed out that the applicant could not change the project without returning to the Commission.

Christina Brown moved and it was duly seconded to accept the written decision as modified in the previous discussion. A roll call vote was taken. In favor: J. Athearn, J. Best, C. Brown, L. DeWitt, J. Greene, N. Orleans, M. Ottens-Sargent, D. Sederholm, L. Sibley. Opposed: None. Abstentions: None

The Commission took a brief recess

OTHER BUSINESS

4.1 Acknowledgements of Service

The Commissioners bid farewell to **Richard Toole**, a former chairman, and thanked him for his many years of public service and thanked **James Athearn** for his service as Commission chairman the past two years.

4.2 FY06 Budget

Mark London said the general operations would increase by the 2.5% cap, with \$40,000 added for the towns' share of the island-wide planning effort that the Commission endorsed two weeks ago, with an additional \$80,000 coming from grants and donations. The operating budget numbers are preliminary and may be modified. Commissioners haven't yet approved the budget; Commissioners are in consensus that a draft budget with notes will be given to towns for their preliminary planning.

4.3 Election of Officers

Jane Greene announced that she withdrew her name for consideration as Clerk-Treasurer.

John Best moved and it was duly seconded to nominate Ned Orleans as Treasurer. **Ned Orleans** accepted the nomination. Nominations were closed.

Richard Toole said that Jane Greene should be recognized for her many years work as Treasurer.

John Best moved and it was duly seconded to move the slate: Linda Sibley, Chair; Doug Sederholm, Vice-Chair; Ned Orleans, Treasurer. A voice vote was taken: In favor: 14. Opposed: 0. Abstentions: 0.

4.4 Minutes

Approval of several sets of minutes was postponed until the next meeting. **Christina Brown** asked that Commissioners request copies of the minutes as needed.

4.5 Correspondence

Commissioners received a copy of a letter written from **Mark London** to Ellen Roy Herzfelder, Secretary of the Executive Office of Environmental Affairs, requesting a response to the revision of DRI criteria and standards. The Commission adopted the revisions a year ago but they cannot come into effect until approved by the Secretary.

4.6 Governor's Appointee

Paul Strauss said he had mentioned to representatives from Coastal Zone Management that the Commission lacked a governor's appointee. **Mark London** reported that appointment of governor's representatives has been delayed throughout the Commonwealth.

4.7 Vineyard Green Association

Polly Hill Arboretum and Vineyard Agricultural Society announced the first meeting of the Vineyard Green Association for landscapers and gardeners, etc., on Thursday, January 13, at 4:00 p.m.

The meeting adjourned at 10:00 p.m.

Linda B Sibley

Chairman

2/17/05

Date

J. Means

Clerk-Treasurer

02/17/05

Date