

TOWN OF AQUINNAH

HOUSING PRODUCTION PLAN FY2018-2022

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VINEYARD COMMISSION AND THE
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FOR DISCUSSION ONLY

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Acronyms

ACS	US Census Bureau's American Community Survey
AMI	Area Median Income
DHCD	MA Department of Housing and Community Development
MAPC	Metropolitan Area Planning Council
MOE	Margins of Error
MVC	Martha's Vineyard Commission
SHI	Subsidized Housing Inventory

Key Definitions

The following definitions are for key terms used throughout the document and are based on information from the U.S. Census Bureau, unless otherwise noted:

Chapter 40B (MGL c.40B) – Massachusetts General Laws c.40B, §§ 20 through 23. Chapter 40B permits developers of projects that include a sufficient level of subsidized low and moderate income housing units to apply for a Comprehensive Permit from the local zoning board of appeals (the "Board").

Cost Burdened – Households who pay more than 30 percent of their income for housing.

Disability – The American Community Survey defines disability as including difficulties with hearing, vision, cognition, ambulation, self-care, and independent living.

Family - A family is a group of two people or more (one of whom is the householder) related by birth, marriage, or adoption and residing together; all such people (including related subfamily members) are considered as members of one family.

Household – A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers, is also counted as a household. The count of households excludes group quarters.

Housing Unit - A housing unit is a house, an apartment, a mobile home or trailer, a group of rooms, or a single room that is occupied, or, if vacant, is intended for occupancy as separate living quarters.

Median Age – The age which divides the population into two numerically equal groups; that is, half the people are younger than this age and half are older.

Median Income – Median income is the amount which divides the income distribution into two equal groups, half having incomes above the median, half having incomes below the median. The medians for households, families, and unrelated individuals are based on all households, families, and unrelated individuals, respectively. The medians for people are based on people 15 years old and over with income.

Millennials – The demographic cohort following Generation X. There are no precise dates when the generation starts and ends. Researchers and commentators use birth years ranging from the early 1980s to the early 2000s. (en.wikipedia.org/wiki/millennials.)

Poverty – Following the Office of Management and Budget's (OMB's) Directive 14, the Census Bureau uses a set of money income thresholds that vary by family size and composition to detect who is poor. If a family's total income is less than that family's threshold, then that family, and every individual in it, is considered poor. The poverty thresholds do not vary geographically, but they are updated annually for inflation with the Consumer Price Index (CPI-U). The official poverty definition counts money income before taxes and excludes capital gains and noncash benefits (such as public housing, Medicaid, and food stamps). Thresholds by year and households size are found at this link:

<https://www.census.gov/hhes/www/poverty/data/threshld/>.

Subsidized Housing Inventory – The list compiled by DHCD containing the count of Low or Moderate Income Housing units by city or town.

CHAPTER 1

INTRODUCTION

Housing Production Plan Purpose

This Housing Production Plan (HPP) is a state-recognized planning tool that, under certain circumstances, permits the town to influence the location, type, and pace of affordable housing development. However, in Aquinnah, since the town has exceeded the state's goal that 10 percent of year-round housing units are affordable to low/moderate income households, the Housing Production Plan does not have a regulatory purpose. Instead, the town has undertaken this planning effort to establish a strategic plan for production and preservation of affordable housing that is based upon a comprehensive housing needs assessment and to be part of an Island-wide effort to complete Housing Production Plans for all six towns on Martha's Vineyard.

Under Massachusetts General Laws Chapter 40B Section 20-23 (C.40B), the Commonwealth's goal is for all Massachusetts municipalities to have 10 percent of their housing units affordable to low/moderate income households or affordable housing on at least 1.5 percent of total land area. As of December 2014, the state's Subsidized Housing Inventory (SHI) included 25.9 percent of Aquinnah's total year-round housing units.¹

Report Organization

This Housing Production Plan is organized in seven chapters as follows:

1. Chapter 1 provides an overview of the purpose of the plan, a community overview, description of planning methodology, and summary of housing needs.
 2. Chapter 2 describes Aquinnah's housing vision and five-year goals, as identified through the planning process associated with development of this plan.
 3. Chapter 3 describes Aquinnah's housing strategies, both regulatory and local initiative, to achieve the plan's goals.
 4. Chapter 4 provides a demographic profile of the community.
 5. Chapter 5 provides an analysis of local housing conditions including housing supply, residential market indicators, and affordable housing characteristics.
 6. Chapter 6 describes Aquinnah's development constraints and limitations including environmental constraints, infrastructure capacity, and regulatory barriers.
 7. Chapter 7 describes local and regional capacity and resources to create and preserve affordable housing in Aquinnah.
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Community Overview²

Aquinnah, which was incorporated as the town of Gay Head in 1870, is located at the westernmost end of Martha's Vineyard Island and comprises approximately 3,400 acres. The

¹ Department of Housing and Community Development. *Chapter 40B Subsidized Housing Inventory*. December 5, 2014.

² Martha's Vineyard Commission. *Aquinnah Community Development Plan*. 2004.

predominantly residential community has 344 year-round residents and is known for its Native American heritage, the Gay Head Cliffs and Lighthouse and its beautiful beaches. The town changed its name to Aquinnah in 1998.

Aquinnah is essentially “an island within an island;” it is separated from Chilmark, its only neighboring town, by a boundary that runs largely through water bodies (Menemsha Bight, Basin, and Pond and Squibnocket Pond). The two towns share a common land boundary for 3,000 feet: 1,791 feet on Long Beach, and 1,209 feet between the ponds. This small stretch between the ponds is the location of the single road providing access from Aquinnah to all other points on Martha’s Vineyard. In addition, a small triangular-shaped piece of land, approximately 8,620 square feet in size, lying on the “Chilmark side” of the Menemsha Basin Boundary is legally incorporated within the town of Aquinnah.

Aquinnah’s landscape is defined by soft rolling hills, low heathlands, magnificent ocean vistas, and the famous Gay Head Cliffs, a recognized National Landmark. Regionally, Aquinnah shares certain characteristics with the other towns on Martha’s Vineyard: overall seclusion from the mainland, highly variable seasonal populations, lifestyles and landscapes dominated by the ocean, and unique economic constraints.

Within this greater Island context, Aquinnah retains a unique character as well. The furthest point from any of the ferries or points of entry, Aquinnah retains the most purely rural qualities to be found on Martha’s Vineyard. Its estimated 2014 population of only 363 year-round residents, represents about 2 percent of the total population of Martha’s Vineyard. This small community, however, is also the most ethnically diverse on the island, as 43 percent of its residents are ethnic minorities. The majority are descendants of the Island’s original settlers, the Wampanoags. The federal recognition in 1987 – and subsequent development – of the “Wampanoag Tribe of Gay Head (Aquinnah)” is the single most significant and defining milestone in recent Aquinnah history, and figures largely in any discussion of the town’s future. Archaeological sites and Indian cemeteries are important elements in the town’s past and future.

Planning Methodology

DATA SOURCES

The U.S. Census Bureau’s Decennial Censuses of 2000 and 2010 and the 2010-2014 American Community Survey (ACS) were the primary sources of data for the needs assessment. The U.S. Census counts every resident in the United States by asking 10 questions, whereas the ACS provides estimates based on a sample of the population for more detailed information. It is important to be aware of the margins of error (MOE) attached to the ACS estimates, which is based on a sample and not on a complete count, especially in smaller geographies including Aquinnah and Chilmark – the Island’s smallest towns.

Data was also gathered from a variety of available sources including: The Warren Group; Massachusetts Department of Revenue; Massachusetts Department of Education; Massachusetts Department of Housing and Community Development; as well as the Martha’s Vineyard Commission and Town of Aquinnah.

The report builds on past work, particularly the following plans and studies:

Town of Aquinnah. *Aquinnah Open Space and Recreation Plan*. 2000.
Commonwealth of Massachusetts: Division of Fisheries and Wildlife. *BioMap2; Conserving the Biodiversity of Massachusetts in a Changing World*. 2012.
Martha's Vineyard Commission. *Martha's Vineyard Housing Needs Assessment*. 2013.
Martha's Vineyard Commission. *Martha's Vineyard Wastewater Management Study*. May 2010.
Martha's Vineyard Commission. *Island Plan 2009*. February 2010.
Martha's Vineyard Commission. *Martha's Vineyard Regional Transportation Plan*. Update 2011.

COMMUNITY ENGAGEMENT PROCESS

The Selectmen, Planning Boards and Housing Committees of all six towns held three community workshops, facilitated by the consultant team, to create housing visions, identify five-year goals, and prioritize implementation strategies. In Aquinnah, these workshops were held in the Town Hall on September 19, November 14, and December 12, 2016. In addition, the All-Island Planning Board issued an online survey about housing needs and strategies that had over 600 respondents.

Workshop 1: September 2016

The purpose of the first of three community workshops in Aquinnah was to introduce participants to the Housing Production Plan (HPP) project scope and schedule, to discuss housing needs in the community and Island-wide, and to develop a preliminary housing vision for the community and the Island.

The following themes emerged as residents considered the current housing environment in Aquinnah and ideas for the future of housing in their community: enhancing town center vibrancy, community building, protecting the fragile environment, need for year-round rental units, and expanding funding resources.

Housing development can foster community building in a rural town where residents prize their privacy, cherish the small-town feel, and crave connection with their neighbors. Workshop participants recognized that town center vibrancy can be enhanced by increasing zoning flexibility and allowing smaller in-town lot size. Participants identified wealthier seasonal residents as a possible untapped resource that could help by contributing land and/or funds to address housing needs. Participants also identified that a strong partnership between tribal and town governments could help provide additional resources.

Workshop 2: November 2016

The purpose of the second of three community workshops in Aquinnah was to solicit participants' feedback on the draft housing visions for Aquinnah and Island-Wide, to introduce the concept of HPP goals and strategies, to discuss the draft goals for Aquinnah and Island-Wide, and to begin to brainstorm strategy ideas to help achieve these goals.

Information: An interactive presentation gave participants an understanding of the purpose of Housing Production Plan (HPP) goals and strategies, as well as an overview of the results-to-date of the All Island Planning Board Online Housing Survey.

Public input: Through a series of open house exercises, participants were asked to provide their feedback on the draft housing visions for Aquinnah and Island-Wide. Working in small groups,

participants assessed the draft housing goals for both Aquinnah and Island-Wide, and brainstormed strategy ideas for achieving these goals.

Workshop 3: December 2016

The purpose of the third of three community workshops in Aquinnah was to solicit participants' feedback on the draft implementation strategies to encourage the creation of affordable housing in Aquinnah and throughout Martha's Vineyard in the next five years. Additionally, participants were also asked to consider specific sites/areas in Aquinnah that would be appropriate for the development of affordable housing.

Information: A detailed presentation outlined draft implementation strategies to encourage the creation of affordable housing throughout the island in the next five years, and introduced participants to potential sites/areas where the development of affordable housing might take place.

Public input: Through a series of small group exercises and individual dot voting, participants were asked to provide their feedback on which strategies should be considered for further investigation or implementation in the next five years. Participants were also asked to identify one or more sites on the map that merit further consideration for encouraging affordable / mixed-income development in the next five years.

Summary of Key Housing Needs

Chapter 4, which provides a demographic profile of the community, and Chapter 5, which describes local housing conditions, together provide analysis to determine Aquinnah's priority housing needs. This understanding of current and future housing needs lays the groundwork for the community's housing vision, goals, and strategies.

Aquinnah has already exceeded the MGL c.40B goal of 10 percent of year-round units as affordable, with forty-one units of affordable housing listed on the Subsidized Housing Inventory (SHI). In addition, there are eleven affordable units that are not listed on the SHI; four units are only temporarily affordable due to home rehabilitation funds and three are ownership housing units affordable to households above 80 percent AMI. In addition, Aquinnah has two households with local rental assistance vouchers.^{3,4}

Aquinnah still has unmet local housing needs that are not served with the existing affordable and community housing units. Most of the affordable units (thirty-three) are restricted as tribal housing and there are no affordable rental units that are not restricted as tribal housing. More than a quarter of all year-round households in Aquinnah have income at or below 80 percent of the area median income (AMI) and most of these households are housing cost burdened.

Aquinnah's year-round population is expected to have a marked growth in the older adult population and this population tends to have lower household income, both in Aquinnah and the

³ An additional four ownership units in Aquinnah that do not count on the SHI may be eligible if they are affordable to households at or below 80 percent AMI, have a long-term affordability restriction of at least 30 years, and the units adhere to the state's affirmative and fairly marketing and resident selection requirements.

⁴ Source for non-SHI affordable unit data: Island Housing Trust, provided to author June-July 2016.

County, indicating a need for more housing options to meet the needs of older adults including alternatives that are smaller, accessible, and have minimal maintenance needs.

The income needed to afford the 2016 median single-family house sales price in Aquinnah (\$1.2M) is \$340,000, while the median household income for year-round residents in Aquinnah is an estimated \$65,833.

Aquinnah's primary housing needs are more affordable homeownership units, especially affordable to households between 50 percent and 80 percent AMI and up to 150 percent AMI; more diverse housing options that provide alternatives to conventional single-family houses, and more market rate and affordable rental units. Rental units affordable to a range of incomes is indicated to address local need including households with income at or below 30 percent AMI, 50 percent AMI, and 80 percent AMI.

CHAPTER 2

HOUSING VISION & GOALS

The housing vision and goals included in this chapter are aimed primarily at creating more housing choice and affordable housing in Aquinnah while recognizing and supporting the town's ability to achieve other interrelated community goals, including goals for protection of natural resources as well as scenic views and rural features of the community. The community developed the housing vision and goals through a detailed analysis of housing needs, input from town officials and community members, guidance from the All Island Planning Board Housing Work Group, as well as the consultant team's review of relevant planning documents.

Aquinnah's Housing Vision

Aquinnah residents envision that in 2027 the town will remain a safe, quiet, close-knit community with a growing town center and an ample supply of year-round housing to stabilize its multicultural population. Residents old and new continue to value the town's traditional scenic beauty, peacefulness, and feeling of privacy, while appreciating the modest new residential options near town center – and elsewhere - that help to foster and sustain Aquinnah's small-town feel and strong sense of neighborly connection. The Town, the Tribe, seasonal and year-round residents, and local non-profits will all be engaged to provide resources that support the community's continued housing needs.

The town will allow smaller lot sizes in certain areas and increase affordable housing to serve the needs of small families, single people, people with disabilities, and the elderly. Tribal and town governments will explore collaborative housing ventures and sharing resources.

New developments of cluster housing with well-designed cottage-style homes and duplexes disguised as single-family homes will preserve open space and scenic views, and a sense of community among residents. Some homeowners will create year-round affordable accessory apartments and some owner-occupied duplexes will include an affordable unit. Zoning changes and new types of housing may also be considered and built on Tribal lands.

Over the upcoming decade, the community will make great strides in creating a walkable town center area along State Road with a mix of uses including town offices, residences, recreation areas, and home businesses. These new residences are envisioned to consist of smaller houses on smaller lots, providing housing options for people of all ages, encouraging vibrant and walkable neighborhoods, and serving households with a range of incomes.

Beyond Town borders, Aquinnah will continue to play an active role - along with the other five Island towns - to increase our Island-wide stock of Affordable Rental Housing opportunities.

Aquinnah's Housing Goals

GOAL 1: HOUSING OPTIONS

Expand year-round housing options to provide more housing choice, both affordable and market rate units, such as houses on smaller lot sizes, cottage-style homes, accessory apartments, duplexes disguised as single-family houses, and multi-family houses, with the priority being units affordable to low/moderate and middle-income households.

GOAL 2: HOUSEHOLD TYPES

Increase year-round housing units, especially rental units, affordable to low/moderate income households including small families, single people, people with disabilities, and the elderly to support Aquinnah's multi-cultural population.

GOAL 3: COMMUNITY CHARACTER AND SMART GROWTH

Ensure new housing development is sensitively located, scaled, and designed to protect Aquinnah's wild scenic beauty, rural nature, natural features, and peaceful, small-town feel. Foster new modest residential development that includes affordable units, with small houses on smaller lots near the town center area along State Road to help create a mixed-use, walkable area for people of all ages. Encourage new residential development to be designed as cluster housing to maximize preservation of natural resources, open space, and scenic views. Explore collaborative housing ventures between the town and the Tribe that can utilize existing infrastructure.

GOAL 4: RESOURCES & CAPACITY

Engage seasonal and year-round residents and the Tribe to work in partnership with the town to provide resources, such as funding, property, or infrastructure that support the community's continued housing needs.

GOAL 5: NUMERICAL PRODUCTION

Based on documented local housing needs that go beyond 40B goals, which Aquinnah has already met, support the creation of five or more rental housing units affordable to households at or below 80 percent AMI over five years (an average of at least one unit per year).

In addition, support the creation of five or more ownership units affordable to households between 80-100 percent of the area median income over the next five years (an average of at least one unit per year).⁵

⁵ Note: For Aquinnah – despite having needs that could also support creating affordable ownership units for up to 150 percent AMI, the greater need is for rental units affordable to households up to 80 percent AMI and ownership units affordable to households between 80-100 percent AMI. Therefore, this goal suggests that public resources are focused on these greater needs over the five-year timeframe of the plan and could be revisited in a subsequent plan.

CHAPTER 3

HOUSING STRATEGIES & ACTION PLAN

To achieve the community's ten-year housing vision and five-year goals will require the town's focused effort to implement a variety of local initiative strategies and local regulatory strategies as well as support and participation in Island-wide strategies. The community's housing vision and goals are ambitious and can't be achieved overnight or by a sole, isolated action. The strategies are presented as a package of strategies rather than a menu of choices because they are designed to work together to be most effective. They are like pieces of a puzzle that, when assembled and embraced together, can help the community accomplish its goals.

This chapter includes descriptions of local initiative strategies, Island-wide strategies, local regulatory strategies, and an action plan. The strategies are listed immediately below and discussed in more detail on the following pages:

Local Initiative Strategies

1. Continue to offer municipal property at little or no cost for development of affordable and/or mixed-income housing
2. Work closely with the Martha's Vineyard Land Bank to facilitate private donations of property for development of affordable and/or mixed-income housing
3. Increase allocations of local Community Preservation Act funds to create affordable housing

Island-wide Initiative Strategies

4. Advocate for adoption of special legislation to increase the existing real estate transfer fee to promote creation of affordable housing
5. Advocate for adoption of special legislation to create a seasonal rentals excise
6. Advocate for adoption of property tax incentives to encourage affordable year-round rental of units to households with up to 80 percent AMI
7. Support creation of an Island Seasonal Housing Task Force and its initiatives
8. Explore creation of an Island-wide or sub-regional housing trust

Local Regulatory Strategies

9. Allow accessory apartments as a permitted use
10. Provide for Natural Resource Protection Zoning (NRPZ) by right
11. Create a town center district
12. Adopt visitability design standards

	Goal 1: Housing Options	Goal 2: Housing Types	Goal 3: Community Character and Smart Growth	Goal 4: Resources and Capacity	Goal 5: Numerical Production
Strategy 1: Continue to offer municipal property at little or no cost for development of affordable and/or mixed-income housing	☐	☐	☐	☐	☐
Strategy 2: Work closely with the Martha's Vineyard Land Bank to facilitate private donations of property for development of affordable and/or mixed-income housing	☐	☐	☐	☐	☐
Strategy 3: Increase allocations of local Community Preservation Act funds to create affordable housing	☐	☐	☐	☐	☐
Strategy 4: Advocate for adoption of special legislation to increase the existing real estate transfer fee to promote creation of affordable housing				☐	
Strategy 5: Advocate for adoption of special legislation to create a seasonal rentals excise				☐	
Strategy 6: Advocate for adoption of property tax incentives to encourage affordable year-round rental of units to households with up to 80 percent AMI	☐		☐		☐
Strategy 7: Support creation of an Island Seasonal Housing Task Force and its initiatives	☐	☐		☐	
Strategy 8: Explore creation of an Island-wide or sub-regional housing trust				☐	
Strategy 9: Allow accessory apartments as a permitted use	☐	☐	☐		
Strategy 10: Provide for Natural Resource Protection Zoning (NRPZ) by right	☐	☐	☐		☐
Strategy 11: Create a town center district	☐	☐	☐	☐	☐
Strategy 12: Adopt visitability design standards	☐	☐			

Local Initiative Strategies

Local initiative strategies refer to recommendations that the town can undertake to foster the creation of more housing options, especially affordable housing. These initiatives are not regulatory in nature - they deal with allocation of town resources including staff time, funding, and property.

1. CONTINUE TO OFFER MUNICIPAL PROPERTY AT LITTLE OR NO COST FOR DEVELOPMENT OF AFFORDABLE AND/OR MIXED-INCOME HOUSING

At the third community workshop, residents reviewed a map showing town-owned properties in Aquinnah and discussed which properties should be investigated further for possible development of affordable or mixed-income housing. Offering low/no cost land for development can provide a significant subsidy to help make an affordable housing development feasible for both ownership and rental units.

The Town currently works via its “Resident Homesite” program to provide town residents with the opportunity, contingent on income qualifications and a lottery process, to lease properties in perpetuity utilizing pre-established capped resale values. The program allows for both owner-build and pre-built construction methods depending on the specific suitability for each property.

It is recommended that the town expand its use of town-owned properties to include rental units, as well as to work to establish mutually beneficial joint efforts between the town and the Tribe. It is also recommended that the town continue to investigate the acquisition of property, utilizing CPA funds, partnerships, creative planning, and discounted sales where possible. Partnerships can include private individuals, housing non-profits, conservation organizations, local businesses, Tribal Housing Authority, as well as private developers.

The town could explore offering available town-owned properties for development of affordable rental and/or ownership units. Such developments could be 100 percent affordable units or a mix of income-restricted units and market rate units. Allowing market rate units mixed in a development with affordable housing can provide cross subsidies, which can also help make affordable housing developments feasible with less public subsidies. The permitting mechanism would likely be through a comprehensive permit under MGL c. 40B, since existing local zoning requirements are more limited, or the town could entertain zoning amendments to allow such development.

As Aquinnah has done in the past, the town may sell or lease properties to a developer or nonprofit through a long-term ground lease by issuing a Request for Proposals in accordance with State procurement laws and real estate disposition procedures. The developer can build, own, and/or manage the building but the town can establish certain criteria for the project that become restrictions and provisions in the ground lease. This structure allows the town to create housing without having to administer the construction or management of the housing itself and provides long-term affordability of the units. There is a precedent for this type of ground lease on the Island – the Island Housing Trust has such an arrangement on one or more properties.

The Potential Sites for Affordable Housing Map depicts a variety of town-owned sites that merit further investigation regarding development feasibility. These sites are recommended for further investigation because of participant feedback at the third community workshop. In addition, the

consultant team conducted a preliminary analysis of environmental constraints and obtained more detailed observations from the Aquinnah Affordable Housing Committee, which eliminated some sites from consideration.

The following provides general observations/considerations regarding selected sites for further investigation. Note, that the site numbers refer to the labels on the Development Opportunities Map and are carried over from the map used at the third workshop (minus the more severely environmentally constrained sites).

Site #3, Parcel ID 5_59, +/-3.6 acres: Although this site is landlocked, there may be potential to negotiate a land swap with abutters on Lighthouse Road to provide access to the site. Per Mass GIS data, this site does not contain wetlands, is not in a DEP Zone II drinking water protection zone, has no reported contaminants, and is not in an impaired watershed.

Site #6, Parcel ID 5_170.1, +/-2 acres: This site is located to the rear of Town Hall and is adjacent to a site that has been identified for possible recreational use (Parcel ID 5_170.2). As part of the 2006 Town Center visioning process, this site was identified for potential development of two to four apartments at the rear of the site and the rest of the site could be used for recreation along with the adjacent site. Per Mass GIS data, this site does not contain wetlands, is not in a DEP Zone II drinking water protection zone, has no reported contaminants, and is not in an impaired watershed.

Site #14, Parcel ID 9_184, 2.5 acres

Site #20, Parcel ID 8_26, 9.6 acres

These sites directly abut Tribal lands and the town could, potentially, work with the Tribe to extend sewer connections to one or both. Local Community Preservation Act (CPA) funds could be used to support the cost of such sewer extensions, but only for developments of affordable units that are eligible under the CPA (affordable to households with income up to 100 percent AMI).⁶ To enable appropriate density given the sewer connection, the town should amend the zoning bylaw or consider approval through a MGL c.40B Comprehensive Permit. Note, per Mass GIS data, Site #20 is in an impaired watershed and about 22 percent of the site is wet.

Site #21, Parcel ID 11_22, 5.7 acres: This parcel would need an easement or land swap to provide access to Moshup Trail. Note, per Mass GIS data, this site is in an impaired watershed and roughly 16 percent of total land area is wet.

Site #27, Parcel ID 9_153, 6 acres: This parcel, which has frontage on State Road, appears to be partially wet, at least to the rear of the lot, but could have development potential at the front of the lot (near State Road). Note, per Mass GIS data, this site is in an impaired watershed and roughly 18 percent of total land area is wet.

Implementation Milestones:

- Town to explore potential for land swaps to gain access for sites #3 and 21. Discuss viability of land swap potential with abutters.
- Fund preliminary feasibility studies on selected properties to evaluate development opportunities and prioritize sites to consider for public disposition for affordable housing development. CPA funds are often used for such purposes. Study could include community

⁶ CPA funds cannot support development of market rate units or affordable units for households above 100 percent AMI.

engagement component to share results and solicit further community feedback to identify short list of priority properties.

- With short list of priority properties (possibly narrowed to one or two sites), as identified through the preliminary feasibility studies, fund more thorough feasibility study to analyze physical and regulatory/legal characteristics of the sites to determine potential yield/density of development, best area of the site(s) to locate buildings, course of action to protect natural resources and mitigate any environmental impacts, remedy any site contamination, and any legal limitations (such as deed restrictions). This type of feasibility study can help to assist bidders in preparing accurate development budgets.⁷
- When one or more priority sites have been determined and development feasibility confirmed, the town, working through the Affordable Housing Committee with community feedback, would set project goals and establish guidelines for development that both reflects community character and addresses housing needs. Some considerations in setting project goals include target population, design guidelines (density, housing type, architectural style), price guidelines, and type of disposition (sale/ground lease).
- Seek Town Meeting approval for municipal property disposition and authorize Board of Selectmen to issue a Request for Proposals.
- Prepare and issue a Request for Proposals for disposition of municipal property. Follow property disposition requirements per MGL c.30B. RFP should anticipate that development would require a Comprehensive Permit per MGL c.40B. Select most responsive development proposal.

2. WORK CLOSELY WITH THE MARTHA'S VINEYARD LAND BANK TO FACILITATE ACQUISITION OF PROPERTY FOR DEVELOPMENT OF AFFORDABLE AND/OR MIXED-INCOME HOUSING

This strategy suggests that the town continue to work closely with the Land Bank to jointly purchase or negotiate donated private property for development of affordable housing and land conservation. Per its affordable housing policy and past examples of partnerships, the Martha's Vineyard Land Bank is open to encouraging such partnerships to further both their core mission of land conservation as well as affordable housing. The affordable housing policy, which was adopted in 1989 and amended in 2009, states the following:

Throughout much of its recent history, Martha's Vineyard Island has experienced a shortage of affordable, year-round housing. It represents a public policy dilemma of significant proportions.

A variety of organizations has been chartered to plan for and develop affordable housing units for the Vineyard. The land bank has assisted these groups in the past . . . and wishes to continue to do so, even though the land bank performs an unrelated public duty and exerts no discernible impact on the unavailability of such housing.

The policy goes on to list specific policies regarding geographic non-competition, cooperative acquisitions, surplus buildings owned by the Land Bank, and willingness to consider support for

⁷ An excellent source to help guide municipalities in offering municipal property for development of affordable housing is the Massachusetts Housing Partnership Guidebook *Developing Affordable Housing on Public Land: A Guide for Massachusetts Communities*, 2005.

an increase in the existing 2 percent transfer fee. In addition, the Land Bank policy states its willingness to serve as the fee collection agency, processing the fee and regularly delivering to the housing authority its allotted amount.

Implementation Milestones:

- Affordable Housing Committee to work with the Martha’s Vineyard Land Bank executive director, Town Advisory Board, and Commission to develop inventory of private properties in the community with potential to meeting both priority land conservation goals and opportunity for affordable housing development.
- Committee to work closely with the Land Bank to prioritize any potential private sites of interest and collaborate with the land bank to negotiate with land owners at appropriate strategic times as opportunities arise.
- Work to get a member of the Housing Committee on the Land Bank Town Advisory Board

3. EXPLORE POSSIBILITY OF INCREASING ALLOCATIONS OF LOCAL COMMUNITY PRESERVATION ACT FUNDS TO CREATE AFFORDABLE HOUSING

Per the Community Preservation Coalition CPA online database⁸, about 23 percent of total Community Preservation Act (CPA) revenue collected since adoption (2001) has been allocated for community housing initiatives. Of total CPA revenue collected by all Island towns, about 30 percent has been allocated for community housing initiatives. CPA funds are locally controlled, requiring Town Meeting consideration of CPC recommendations. In Aquinnah, CPA revenue is generated from a 3 percent local property tax surcharge and a variable distribution from the State Community Preservation Trust Fund. The state distribution in Aquinnah was 100 percent FY2003-2016 and 74.5 percent in FY2017. Total revenue in FY2017 was \$73,249 and has ranged year to year from \$34,323 to \$94,171 since adoption.

Per MGL c.44B, section 5(b)(1), CPCs are required to

. . . study the needs, possibilities, and resources of the city or town regarding community preservation . . . The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the board of park commissioners and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the city or town regarding community preservation possibilities and resources . . .

Many CPCs create a five-year Community Preservation Plan based on this study and update the plan annually. A target allocation can be established in the Community Preservation Plan for CPA categories (open space and recreation, historic preservation, and community housing) that exceeds the minimum 10 percent allocation required by the statute. Through this strategic planning process, which should involve input from the multiple boards/commissions listed in the statute and can also involve broader community input, community preservation resources and

⁸ *Statewide CPA Statistics* go to “Expenditures on CPA Projects” then “Summary of CPA Expenditures by Project Category” at www.communitypreservation.org “About CPA” tab.

needs are thoroughly evaluated and the community can set allocation goals and priorities. The target for any one CPA category can range between 10 and 80 percent. Funds can be set aside for housing in the CPA housing reserve or allocated to a housing trust.

During the third community workshop, residents discussed this concept with mixed feelings but generally indicated that it should be investigated further to understand the impact on other CPA needs (especially in historic preservation) and with recognition of the existing bond repayment commitments.

Implementation Milestones:

- CPC to prepare Community Preservation Plan (CP Plan) to study the needs, possibilities, and resources for community preservation and to strategically plan for use of CPA funds over five years (FY2018-2022). CPA can utilize administrative funds (up to five percent of total annual CPA revenue) to support this planning effort, if needed. Planning effort should consider impacts of increasing allocations of CPA funds for housing.
- As part of such a proactive planning effort, identify specific housing initiatives to support with CPA fund allocation. These initiatives would likely include supporting development of municipal property for affordable housing and may include funding sewer connections for applicable lots. These initiatives should be identified in the CP Plan and can include rough budgets for such initiatives.
- Update application and review criteria for CPA funds to reflect goals and possibilities identified through strategic CPA planning effort (CP Plan).
- CPC recommendations between FY2018-2022 would reflect priorities established in the CP Plan.

Island-Wide Initiative Strategies

The following strategies are Island-wide initiatives. For these strategies to have maximum effect and success, it will be critical for each town on the Island to contribute with active support and coordinated efforts. Most of the Island-wide strategies would require special legislation, which will require a great deal of local political support to promote state adoption.

4. ADVOCATE FOR ADOPTION OF A HOUSING BANK THROUGH SPECIAL LEGISLATION TO INCREASE THE EXISTING REAL ESTATE TRANSFER FEE TO GENERATE REVENUE FOR THE CREATION OF AFFORDABLE HOUSING

The idea to create a housing bank, based on the Martha's Vineyard Land Bank, is not a new idea. Island residents have discussed this idea for well over a decade – the housing bank concept was approved in nonbinding form by all six towns in the spring 2005, but the bill was defeated by the Massachusetts House of Representatives in July 2006.⁹ Other municipalities have proposed such a real estate transfer fee for housing recently including Nantucket and Provincetown – both attempts appear stalled. Workshop participants in all towns expressed

⁹ Fein, Ian, "State Defeats Housing Bank" *Vineyard Gazette*, July 31, 2006. <https://vineyardgazette.com/news/2006/07/31/state-defeats-housing-bank>

interest in pursuing this effort again, with some expressing concerns over likely success and effort required. Multiple workshop participants suggested to try for a more modest fee of 0.5 percent (in 2006, a 1 percent surcharge was proposed).

The housing bank could be modelled on the Martha's Vineyard Land Bank, which was established in 1986 and has conserved over 3,100 acres through revenue generated by a 2 percent surcharge on most real estate transfers occurring in the six towns. As described above, the Martha's Vineyard Land Bank has an affordable housing policy that expresses its willingness to consider support for an increase in the existing 2 percent transfer fee. In addition, the land bank policy states its willingness to serve as the fee collection agency.

Implementation Milestones:

- Work with other Island towns, the Martha's Vineyard Commission, Island housing organizations, and Martha's Vineyard Land Bank Commission to establish an Island housing legislation coalition (that could also work on other Island-wide strategies involving special legislation).
- Town meeting to consider adopting a local resolution to support housing bank legislation approval.
- Work with the coalition and the district's state senator and representative to sponsor the bill.¹⁰
- Coalition to raise funds to support lobbying effort.

¹⁰ Legislators for Dukes County at time of this writing (12/31/16): Senator Daniel A. Wolf and Representative Timothy R. Madden

5. ADVOCATE FOR ADOPTION OF SPECIAL LEGISLATION TO CREATE A SEASONAL RENTALS EXCISE TAX

Currently any city or town is authorized by MA state law to, *“impose a local excise tax upon the transfer of occupancy of any room or rooms in a bed and breakfast establishment, hotel, lodging house or motel located within such city or town by any operator at a rate up to, but not exceeding, 6 percent of the total amount of rent for each such occupancy” (MGL Chapter 64G, Section 3A).*

Five of the six communities on the Vineyard currently impose a local room excise tax in accordance with this law. The towns of Aquinnah, Chilmark, and Edgartown impose a 4 percent tax while the towns of Oak Bluffs and Tisbury impose a 6 percent tax (Services 2014). The Town of West Tisbury doesn't currently impose a local room excise tax. However, MGL c.64G, s.3A doesn't currently allow for taxation of seasonal rental property.¹¹ Multiple attempts to allow for taxation of seasonal properties have been proposed recently including bills for the towns of Wellfleet, Provincetown, and Brewster.

Such special legislation, which could be proposed as a coordinated effort among all six towns, could potentially generate millions of dollars in revenue to support affordable housing initiatives on the Island. Workshop participants in all communities expressed some level of support for such an Island-wide initiative, with some participants expressing reservations about the effort and likely success of such an initiative.

Implementation Milestones:

- Work with other Island towns, the Martha's Vineyard Commission, and Island housing organizations to establish an Island housing legislation coalition (that could also work on other Island-wide strategies involving special legislation).
- Town meeting to consider adopting a local resolution to support seasonal rental excise legislation approval.
- Work with the coalition and the district's state senator and representative to sponsor the bill.
- Coalition to raise funds to support lobbying effort.

6. ADVOCATE FOR ADOPTION OF PROPERTY TAX INCENTIVES TO ENCOURAGE AFFORDABLE YEAR-ROUND RENTAL OF UNITS TO HOUSEHOLDS WITH UP TO 80 PERCENT AMI

The Island's housing issues are exacerbated by competing markets for limited housing stock. Time after time workshop participants expressed concern over lack of year-round rentals and the impact this housing issue has on retaining year-round workers including teachers, municipal employees, and others.

Based on the 2002 Special Act in Provincetown, the Island communities could participate in a coordinated Island-wide effort to submit similar legislation to create a local property tax incentive that waives property tax for rent units if rented year-round to low-income households. In Provincetown, per information provided by the town's community housing specialist for FY2016,

¹¹ LDS Consulting Group, *Study on Martha's Vineyard Seasonal Rental*, prepared by Island Housing Trust, July 10, 2014.

there were 116 affordable year-round rental units created because of this tax incentive. The average annual tax exemption per unit was \$858. These are units that otherwise may have been rented seasonally. While the tax incentive doesn't offset the funds that could be gained from weekly seasonal rentals, it does allow for up to 100 percent tax exemption if 100 percent of the property is rented year-round to a household with income up to 80 percent AMI and helps to encourage the public to maintain year-round rentals. Note that property owners still pay property taxes on other units they own (including the unit they live in, if any).

The following is an excerpt from the 2002 Special Act for Provincetown:

SECTION 1. Notwithstanding any general or special law to the contrary, residential real estate in the town of Provincetown which is rented to and occupied by a person of low income, at a rental amount not exceeding the standards of the United States Department of Housing and Urban Development for low income persons, shall be exempt from taxation under chapter 59 of the General Laws.

SECTION 2. The exemption shall be equal to the tax otherwise due on the parcel based on the full and fair assessed value, multiplied by the square footage of the housing units rented to and occupied by a person or family of low income, divided by the total square footage of a structure located on the parcel. For rental housing, assessment of such property, if by an income approach to value, shall assume fair market rent for all units. To be eligible for exemption, the housing unit shall be leased to a low-income person at rents for the entire fiscal year for which the exemption is sought.

Implementation Milestones:

- Work with other Island towns, the Martha's Vineyard Commission, and Island housing organizations to establish an Island housing legislation coalition (that could also work on other Island-wide strategies involving special legislation).
- Coalition to consider options for design of tax incentive, potential impacts on local tax base, and monitoring needs (which could potentially be funded through the revenue generated).
- Town meeting to consider adopting a local resolution to support property tax incentive legislation approval.
- Work with the coalition and the district's state senator and representative to sponsor the bill.
- Coalition to raise funds to support lobbying effort.

7. SUPPORT CREATION OF AN ISLAND SEASONAL EMPLOYEE HOUSING TASK FORCE AND ITS INITIATIVES

By providing alternatives to house seasonal employees, more housing units could be available for potential year-round rentals. Local employers rely heavily on imported labor; the Islands labor force expanded by roughly over 4,600 employees in between January and July 2016¹².

This strategy would not require special legislation, but would benefit from the support and involvement of all Island towns to create a task force that focuses on creating seasonal

¹² MA Executive Office of Labor and Workforce Development, accessed 11/22/16.

employee housing. Such a task force could bring together the business community to work collaboratively on these issues.

The task force could be created by the Martha's Vineyard Commission and include representation from the business community and town officials. The task force could build on work of IHT's Workforce Housing Survey to further identify the housing needs for seasonal employees (e.g., how much, what kind, locations?). The task force could also explore feasibility of sites for potential dormitory/hotel-style housing perhaps with consideration given to land at the airport, as was mentioned by multiple workshop participants. Such dormitories may be able to incorporate off-season uses (such as homeless shelter and/or short-term housing for construction crews). The task force could also explore the possibility of proposing a sales tax for seasonal employee housing based on Breckinridge, Colorado model (0.125 percent sales tax).

Not only did workshop participants in all communities (except for Chilmark) support this strategy, but the All Island Planning Board online housing survey (Fall 2016) respondents expressed support for the creation of dormitory housing for seasonal employees, which this task force could focus on implementing.

Implementation Milestones:

- Support an initiative led by the All Island Planning Board and the Martha's Vineyard Commission to work with the Chamber of Commerce, local employers, and other Island towns to establish an Island Seasonal Employee Housing Task Force.
- Task Force to sponsor study to further investigate housing needs for seasonal employees (e.g., how much, what kind) and identify appropriate locations to pursue development (or through reuse/conversion of existing buildings) of seasonal employee housing.
- Task Force could nurture private collaborations of local business as well as the possibility of other revenue generation such as adopting a sales tax.

8. EXPLORE CREATION OF AN ISLAND-WIDE OR SUB-REGIONAL HOUSING TRUST

An Island-wide or sub-regional housing trust would enhance the ability of Island communities to pool resources and coordinate housing efforts across the Island. Such a trust could have two main purposes: 1) collect housing revenues for regional use and 2) help coordinate and fund the implementation of the Housing Production Plans.

Such a trust, whether truly Island-wide or established with a subset of towns as a sub-regional trust, could be a repository for housing funds generated through a seasonal rental excise tax, a real estate transfer fee (with administration possibly provided by the Martha's Vineyard Land Bank Commission), and perhaps a portion of some local CPA funds. The Island towns are already pooling local CPA funds to help create affordable housing on the Island including for the Island Housing Trust's Village Court Apartments in Tisbury and this could provide a streamlined mechanism to continue pooling funds.

Exploration of this strategy concept would involve working with the various towns interested in exploring this idea and should include defining potential Board of Trustees membership that has representation from the existing Municipal Affordable Housing Trusts, Affordable Housing Committees, and/or Community Preservation Committees of the towns involved in such a trust.

In addition, the exploration would help to develop an allocation fund formula that the trust would use that could be based on established regional funding allocation models such as the County and/or Martha's Vineyard Commission Land Bank allocation formula.

Such a regional or sub-regional housing trust would require special legislation, which could be generally based on the Municipal Affordable Housing Trust statute (MGL c.44 s.55C). Although no other regional housing trusts are in existence yet in Massachusetts, the precedent is favorable with dozens of local trusts created through special legislation including a new local housing trust created in 2016 in Provincetown.

Implementation Milestones:

- Work with other Island towns, the Martha's Vineyard Commission, and Island housing organizations to establish an Island housing legislation coalition (that could also work on other Island-wide strategies involving special legislation). A subcommittee or task force of the coalition may be desirable to devote the focus that may be required to appropriately explore the option of creation an Island-wide or sub-regional housing trust.
- Coalition to investigate and consider benefits and challenges of creating such a trust, evaluate various options including Island-wide and sub-regional model(s), work with interested towns to explore and design recommendations for board membership, possible fund allocation formula, revenue sources, and potential administration needs (and potential for cooperation/collaboration with the Martha's Vineyard Land Bank to support administration).
- If indicated, after investigation conducted above, Coalition to propose special legislation for support by involved towns and ultimately by state legislature.

Local Regulatory Strategies

For Aquinnah and all the towns on Martha's Vineyard, the imbalance between housing supply and housing demand means that regulatory reform alone will not solve all the island's affordable housing problems. Often, Chapter 40B is the best way to create affordable housing because of the design flexibility that comes with a comprehensive permit. Even though Aquinnah exceeds the 10 percent statutory minimum under Chapter 40B, the Board of Appeals can still grant comprehensive permits and the Town should be open to doing so. However, zoning techniques to increase supply can, when paired with other actions, provide new opportunities for growing the affordable housing inventory.

9. ALLOW ACCESSORY APARTMENTS AS A PERMITTED USE

One of the easiest strategies for Aquinnah could be to allow accessory apartments as of right except in certain DCPCs, subject to a basic set of requirements, such as:

- Allow an accessory apartment in an owner-occupied single-family dwelling on a lot of any size or an accessory structure on the same lot as an owner-occupied single-family dwelling, provided the lot conforms to current zoning (minimum of two acres) and is not in the Moshup Trail, Cliffs or Coastal DCPCs. Detached accessory apartments on lots of less than 2 acres with an owner occupied single family dwelling, and detached apartments on lots of any size in the Moshup Trail, Cliffs and Coastal DCPCs, would be by Special Permit;

- The existing residence must continue to look like a single-family dwelling, with no visible change to the exterior except where required by the State Building Code;
- The maximum floor area for the apartment could be 900 sq. ft. or not more than 30 percent of the gross floor area of the principal dwelling;
- Require one parking space for the apartment in addition to parking required for the principal dwelling;
- Require the property to comply with Title V (this does not have to be stated in the Zoning Bylaw because Title V must be met anyway, but communities often prefer to include it anyway).

Accessory apartments are not “in-law apartments,” i.e., there should be no restriction on who can live in the apartment. The occupancy restriction should focus on ensuring that the homeowner lives in the home as a principal residence or for some minimum period during the year. The minimum period is a local policy issue that would need to be decided by the Town.

Implementation Milestones:

- Seek technical assistance from the Martha’s Vineyard Commission to draft proposed changes to Section 2.2.1, Permitted Uses in a Rural-Residential District;
- Planning Board must hold a public hearing in accordance with G.L. c. 40A, Sec. 5, prior to town meeting, and present a report and recommendations to town meeting;
- If town meeting approves amendments to Section 4.3, submit required documentation to Attorney General;
- Provide public information and educational materials to Aquinnah residents about the opportunity to create an accessory apartment and a simple procedures checklist for interested applicants.

10. PROVIDE FOR NATURAL RESOURCE PROTECTION ZONING (NRPZ) BY RIGHT

Aquinnah currently provides for a type of residential conservation cluster called “Compact Siting” in Section 3.3-2. Since Aquinnah has only one residential district, a Compact Siting project can be proposed anywhere in the town if it meets the basic requirements listed in the bylaw. It allows up to twenty homes to be constructed on lots of at least 5,000 sq. ft. if the average or gross density for the project is one unit per two acres and the undivided land is preserved as open space. Compact Siting requires a special permit from the Planning Board. Allowing lots as small as 5,000 sq. ft. is permissive for conservation cluster zoning, and the fact that this type of approach exists in Aquinnah suggests that town leaders have tried to be forward thinking about rural development. Nevertheless, the Town could consider another option known as Natural Resource Protection Zoning (NRPZ), which is a “by right” tool for preserving open space and accommodating housing growth.

NRPZ is a new concept in Massachusetts. It was developed by planners following a 2008 Appeals Court decision that overturned an entire section of the Town of Westwood’s zoning bylaw. Years before, Westwood had adopted a requirement that any residential development exceeding a certain number of housing units would only be allowed by special permit. Over time, the same kind of zoning was adopted in dozens of communities throughout Eastern Massachusetts. An unhappy developer in Westwood appealed a decision of the Planning Board, and out of the extended litigation that followed, the Court determined that a special permit could not be imposed on a subdivision that meets all the requirements under Subdivision Control. A group of planners and land use attorneys met informally several times to figure out

options for cluster development after 2008, and the result is NRPZ, which was first adopted in Shutesbury about six years ago.

The NRPZ approach involves laying out the zoning standards that a residential subdivision must meet to comply with zoning and be eligible for subdivision approval. Like the old Westwood bylaw, NRPZ is typically triggered by projects meeting a certain size threshold (but it can be as low as any project with two or more units); when the trigger is met, the applicant must design the subdivision to comply with NRPZ design requirements, including the mandatory provision of open space. Applicants wishing to be exempt from NRPZ could request a waiver and the Planning Board could grant one by special permit.

A typical NRPZ bylaw institutes a simple process for figuring out the number of units allowed in a development (a yield formula, very like Aquinnah's Section 3.3-2). Overall, NRPZ provides the advantages of predictability and speed for the developer and administrative simplicity for town boards. NRPZ bylaws often provide for density bonuses, too, though they almost always require a special permit. Density bonuses may be granted for projects that offer more than the minimum required open space, senior housing, or affordable housing.

Aquinnah could replace Section 3.3-2 with a new Natural Resources Protection bylaw. In doing so, the Town will want to think about the following policy issues:

- Minimum open space set-aside;
- Applicability threshold (does a project have to be a certain size before NRPZ requirements apply, or can it be any subdivision of two or more units?);
- Conditions for granting density bonuses – specifically, how many additional market-rate units will be allowed to subsidize the inclusion of affordable housing?
- Whether NRPZ developments should be allowed anywhere in Aquinnah or targeted to certain locations – a decision which could lead to establishing a new residential district.

Implementation Milestones:

- Review a sample of NRPZ bylaws that have been adopted in other communities and review the model bylaw in the state's "Smart Growth Toolkit":
http://www.mass.gov/envir/smart_growth_toolkit/;
- Interview Planning Board members and town planners in a selection of communities that have adopted NRPZ (whether town-wide or within specific districts), and learn about their experiences with this approach to regulating housing development;
- Seek technical assistance from the Martha's Vineyard Commission to draft proposed changes to Section 3.3-2, Compact Siting;
- Planning Board must hold a public hearing in accordance with G.L. c. 40A, Sec. 5, prior to town meeting, and present a report and recommendations to town meeting;
- If town meeting approves amendments to Section 4.3, submit required documentation to Attorney General.

11. CREATE A TOWN CENTER DISTRICT

Although Aquinnah has a recognizable town center and a plan for a Municipal Town Hall Campus, there is nothing in the Zoning Bylaw that acknowledges it or the larger and more densely developed stretch of State Road adjacent to the town center campus as an activity node and a distinctive location. If the Town established a town center district, it would be possible to create dimensional and use regulations tailored to this part of town for higher-density

housing (with affordable units). This geographically focused town center design area would include the site behind the Town Hall proposed for affordable housing in Strategy 1 and identified as Site #6 on the map of potential sites.

Aquinnah could consider establishing a town center district with permitted uses such as:

- Municipal facilities
- Detached single-family dwellings (already allowed)
 - Rental of rooms to boarders as an accessory use (already allowed)
 - Home occupations with up to five nonresident employees (already allowed)
- Two-family dwellings
- Multifamily dwellings up to eight units per building (more by special permit)
- Limited retail and office uses
- Mixed use buildings

The district could have special dimensional regulations and design standards, and development in this area should be allowed at a higher density than one unit per two acres. Of course, development here will still have to comply with Title V and the Massachusetts Wetlands Protection Act, so the opportunities for more intensive use of land will be limited. Providing open space “credit land” within the watershed may help somewhat. Nevertheless, it is best to let environmental regulations do their job and let zoning do its job, which is to balance public and private interests and ensure that a community’s needs are met.

Implementation Milestones:

- Seek assistance from the Martha’s Vineyard Commission for a two-phase project: first, to prepare an area plan for the town center, and second, to prepare the zoning for a proposed town center district;
- Planning Board must hold a public hearing in accordance with G.L. c. 40A, Sec. 5, prior to town meeting, and present a report and recommendations to town meeting;
- If town meeting approves amendments, submit required documentation to Attorney General;
- Work with residential developers (public and private) to make use of the new provisions;
- Make multifamily dwellings constructed under the town’s zoning a priority for financial assistance from the CPC and/or affordable housing trust;
- Work with Town Counsel or the Massachusetts Housing Partnership to develop standard documents (affordable housing deed restriction and requirements for an Affirmative Fair Housing Marketing Plan).

12. ADOPT VISITABILITY DESIGN STANDARDS

Zoning that specifically calls for “visitability” by design would help to accommodate seniors and people with disabilities, and others with a need for barrier-free housing. Basic features of visitable housing design standards:

- Single-family, two-family, and townhouse units shall provide for:
 - At least one zero-step entrance,
 - Doorways with a 36-inch clear passage space,
 - Master bedroom and an accessible bathroom located on the same floor as the kitchen, living room, and dining room, all being on the same floor as the zero-step entrance, and
 - Indoor or structured parking.
- Independent living units and assisted living facilities shall comply with the accessibility requirements of the Massachusetts Architectural Access Board.

- Outdoor facilities, such as walkways, gardens, and recreation areas, shall be designed for universal access.
- Standards such as these can be adopted as part of a special permit process for multifamily housing, residential cluster developments, or zoning for assisted living facilities (which are required to meet guidelines set by the Department of Elder Affairs, too).

Implementation Milestones:

- Seek technical assistance from the Martha's Vineyard Commission to draft proposed visitability design standards.
- Planning Board must hold a public hearing in accordance with G.L. c. 40A, Sec. 5, prior to town meeting, and present a report and recommendations to town meeting;
- If town meeting approves zoning amendments, submit required documentation to Attorney General.

Action Plan

#	Housing Strategies	FY2018	FY2019	FY2020	FY2021	FY2022	Responsible Entity	Supporting Entities
1	Continue to offer municipal property at little or no cost for development of affordable and/or mixed-income housing						Affordable Housing Committee	Board of Selectmen and Town Meeting
2	Work closely with the Martha's Vineyard Land Bank to facilitate private donations of property for development of affordable and/or mixed-income housing						Affordable Housing Committee	Board of Selectmen and Town Meeting
3	Increase allocations of local Community Preservation Act funds to create affordable housing						Community Preservation Committee	Affordable Housing Committee and Town Meeting
4	Advocate for adoption of special legislation to increase the existing real estate transfer to promote creation of affordable housing						Affordable Housing Committee	Board of Selectmen and Town Meeting
5	Advocate for adoption of special legislation to create a seasonal rentals excise						Affordable Housing Committee	Board of Selectmen and Town Meeting
6	Advocate for adoption of property tax incentives to encourage affordable year-round rental of units to households with up to 80 percent AMI*						Affordable Housing Committee	Board of Selectmen and Town Meeting
7	Support creation of an Island Seasonal Housing Task Force and its initiatives						Martha's Vineyard Commission	Board of Selectmen
8	Explore creation of an Island-wide or sub-regional housing trust						Affordable Housing Committee	Community Preservation Committee; Board of Selectmen; and Town Meeting
9	Allow accessory apartments as a permitted use						Planning Board	Town Meeting
10	Provide for Natural Resource Protection Zoning (NRPZ) by right						Planning Board	Town Meeting
11	Create a town center district						Planning Board	Town Meeting
12	Adopt visitability design standards						Planning Board	Town Meeting

Note: lighter shade indicates strategies that are ongoing and/or should be implemented as opportunities arise, rather than a specific schedule.

CHAPTER 4

DEMOGRAPHIC PROFILE

Key Findings

- Aquinnah has the smallest population on the Island, with a 2014 American Community Survey (ACS) estimate of only 363 year-round residents, which is projected to decline to about 194 persons by 2035.
- It is the most racially diverse population on the Island with about 27 percent of its population identifying as American Indian/Alaska Native.
- Aquinnah has a growing older adult population and much fewer children than other towns on the Island. The population age sixty-five years and over is projected to grow from about only 10 percent of year-round population to over half of the population by 2035 and the population of working-age adults age twenty to sixty-four years is expected to decline from about 68 percent of the total year-round population to about 44 percent.
- About 27 percent of Aquinnah's year-round households are estimated to have low/moderate income. The thresholds for low/moderate income are based on household size – in the Dukes County area, the income threshold for a two-person household to have low/moderate income, for example, would be \$52,600.

The 2013 Housing Needs Assessment recognized the following demographic trends:

- Increasing growth of population on the Island – this Housing Production Plan finds modest population growth on the Island overall but this growth is inconsistently distributed among the Island's communities, with Aquinnah projected to lose the most population as a percentage of total population and Oak Bluffs gaining the most.
- Declining numbers of younger residents and increases in older ones – this HPP finds this trend is continuing.
- Increasing number of smaller households – this HPP finds that average household sizes have increased in more recent years, with larger households forming and less households overall despite Island-wide population growth.
- Relatively high median incomes, with disparities for those who rented and those who owned their homes – this finding of disparity is consistent with the findings of this HPP, but median income overall is comparable to the state's median income.
- A significant number of households earning lower income, which this HPP also finds.

Population Growth & Change

TOTAL POPULATION CHANGE

Aquinnah has the smallest population of Martha's Vineyard's six towns with an estimated population of 363 in 2014. Although small relative to the other Island towns, Aquinnah's population is estimated to be at its highest in 2014 compared with U.S. decennial census counts

between 1930 and 2010. However, per UMass Donahue Institute population projections, Aquinnah's population is projected to decline 41 percent between 2014 and 2030 and further decline 10 percent to 194 people by 2035. This contrasts with the county projections that anticipate modest growth of 6 percent and 3 percent in total population respectively between 2014 and 2030 and 2030 and 2035. Aquinnah's population per the decennial census data dropped from 344 in 2000 to 311 in 2010.

It should also be noted that the UMass Donahue projections for 2015 (292 people) were seventy-one people less than the 2010-2014 ACS population estimates (363 people). However, it is also important to note that the margin of error (MOE) for the 2009-2014 ACS estimate is +/- 116 (a larger MOE than the difference between the UMass Donahue projections and the 2009-2014 ACS estimate). The upcoming 2020 US Census count, which is based on a 100 percent count of the population, not an estimate, will help to inform future projections of population change.

Since 1930, Aquinnah's population increased most significantly between 1970 and 1980, at a time when the county also had significant population growth when the town's population grew 86 percent and the county's population grew 46 percent. However, Aquinnah's total population growth between 1930 and 2014 was only 125 percent (from 161 to 363 people); while the county's total population increased about 240 percent (4,953 to 16,816 people).

TABLE 4.1: AQUINNAH AND DUKES COUNTY POPULATION CHANGE 1930-2014 & 2030/2035 PROJECTIONS

Year	AQUINNAH		DUKES COUNTY	
	Population	% Change	Population	% Change
1930	161	--	4,953	--
1940	127	-21%	5,669	14%
1950	88	-31%	5,633	-1%
1960	103	17%	5,829	3%
1970	118	15%	6,117	5%
1980	220	86%	8,942	46%
1990	201	-9%	11,639	30%
2000	344	71%	14,987	29%
2010	311	-10%	16,460	10%
2014	363	17%	16,816	2%
2030 projected	215	-41%	17,902	6%
2035 projected	194	-10%	18,453	3%

Source: Martha's Vineyard Housing Needs Assessment 2013; 2010-2014 American Community Survey, as provided by MVC; Massachusetts Population Projections, UMass Donahue Institute, as provided by MVC. Note: ACS data based on samples and are subject to variability

AGE COMPOSITION

Aquinnah is expected to have a greater share of older adults in the years to come compared with the county. Between 2000 and 2014, Aquinnah's population of children age nineteen years and under declined from about 28 percent of the total population to about 22 percent of the population; the population of age twenty to sixty-four years increased slightly from 62 percent of the population to 68 percent; and the population age sixty-five and over remained about the same at 10 percent.

However, the age composition of the population by 2035 is projected to change dramatically in Aquinnah with only 6 percent under age nineteen years, 44 percent age twenty to sixty-four years; and 50 percent age sixty-five year and over - a significant increase in the population of older adults. County-wide, projections indicate that about 29 percent of the total population will be age sixty-five and over by 2035.

TABLE 4.2: AGE DISTRIBUTION 2000-14 & 2035 PROJECTIONS

Age	2000				2014				2035 projection			
	AQUINNAH		DUKES COUNTY		AQUINNAH		DUKES COUNTY		AQUINNAH		DUKES COUNTY	
	Est.	%	Est.	%	Est.	%	Est.	%	Est.	%	Est.	%
under 19	95	28%	3,665	25%	79	22%	3,597	21%	12	6%	3,492	19%
20 to 64	214	62%	9,169	61%	248	68%	10,263	61%	85	44%	9,622	52%
65 +	35	10%	2,153	14%	36	10%	3,055	18%	97	50%	5,339	29%
Total	344	100%	14,987	100%	363	100%	16,915	100%	194	100%	18,453	100%
Median Age	37.1		40.7		39.1		45.7		---		---	

Source: US Census 2010; 2010-2014 American Community Survey; Note: ACS data based on samples and are subject to variability; Massachusetts Population Projections, UMass Donahue Institute

RACIAL COMPOSITION

Per the 2014 ACS estimates, roughly 27 percent (ninety-nine people) of Aquinnah’s total population identifies as American Indian/Alaska Native – primarily due to the Wampanoag Tribe of Gay Head (Aquinnah) and the Wampanoag trust lands that are in Aquinnah. The portion of the Aquinnah population identifying as American Indian/Alaska Native declined since 2000 when there were 126 people or approximately 37 percent of total population identifying as American Indian/Alaska Native. However, the population identifying as two or more races increased in the same period from thirty people to sixty-one people, roughly 17 percent of the population.

TABLE 4.3: RACIAL COMPOSITION, 2000-14

	AQUINNAH			DUKES COUNTY		
	2000	2014	% Change 2000-14	2000	2014	% Change 2000-14
Population of one race	314	302	-4%	14,509	16,673	15%
White	184	186	1%	13,592	15,975	18%
Black or African American	1	2	100%	359	305	-15%
American Indian and Alaska native	126	99	-21%	256	110	-57%
Asian alone	0	2	(100%)	69	151	119%
Native Hawaiian and other Pacific Islander	0	0	0	11	0	-100%
Some other race	3	13	333%	222	132	-41%
Population of two or more races	30	61	103%	478	242	-49%
Total population	344	363	6%	14,987	16,915	13%

Source: US Census 2000, Martha’s Vineyard Housing Needs Assessment 2013; 2010-2014 American Community Survey; Massachusetts population projections, UMass Donahue Institute. Note: ACS data based on samples and are subject to variability ACS 2010-14

FOREIGN-BORN POPULATION

Only about 5 percent of Aquinnah’s total population was estimated to be foreign-born per the 2014 ACS, about 74 percent of which originated in Europe. About 26 percent of foreign-born population in Aquinnah was born in Asia. While close to half (47 percent) of Dukes County’s foreign-born population originated from Latin America, there are estimated to be no people living in Aquinnah who were born in Latin America.

TABLE 4.4: NATIONAL ORIGIN OF FOREIGN-BORN POPULATION, 2014

	AQUINNAH		DUKES COUNTY	
	Estimate	%	Estimate	%
Total Foreign Born Persons:	19	100%	1,260	100%
Europe:	14	74%	487	39%
Northern Europe:	1	7%	199	41%
United Kingdom <i>(incl. Crown Dependencies):</i>	0	0%	65	33%
United Kingdom <i>(excluding England and Scotland)</i>	0	0%	30	15%
England	0	0%	35	18%
Ireland	0	0%	108	54%
Denmark	1	100%	1	1%
Sweden	0	0%	25	13%
Western Europe:	13	93%	97	20%
Austria	0	0%	72	74%
France	2	15%	7	7%
Germany	0	0%	7	7%
Netherlands	11	85%	11	11%
Southern Europe:	0	0%	43	9%
Portugal	0	0%	43	100%
Eastern Europe:	0	0%	148	30%
Bulgaria	0	0%	17	11%
Czechoslovakia <i>(incl. Czech Republic and Slovakia)</i>	0	0%	2	1%
Hungary	0	0%	2	1%
Poland	0	0%	103	70%
Romania	0	0%	3	2%
Russia	0	0%	21	14%
Asia:	5	26%	165	13%
Eastern Asia:	5	100%	41	25%
China	2	40%	30	73%
China, excluding Hong Kong and Taiwan	2	40%	30	73%
Japan	3	60%	3	7%
Korea	0	0%	8	20%
South Eastern Asia:	0	0%	112	68%
Cambodia	0	0%	112	100%
Western Asia:	0	0%	12	7%
Lebanon	0	0%	12	100%
Americas:	0	0%	608	48%
Latin America:	0	0%	593	98%
Caribbean:	0	0%	81	14%
Barbados	0	0%	11	14%
Jamaica	0	0%	70	86%
South America:	0	0%	512	86%
Brazil	0	0%	512	100%
Northern America:	0	0%	15	2%
Canada	0	0%	15	100%

Source: 2010-2014 American Community Survey; Note: ACS data based on samples and are subject to variability

RESIDENCE ONE YEAR AGO

Aquinnah is estimated to have a very low resident mobility, meaning residents don't tend to move very much. Per the 2014 ACS estimates, 98 percent of Aquinnah's total population lived in the same house the prior year. This is true county-wide, though to a somewhat lesser extent: county-wide, about 93 percent of the population lived in the same house.

TABLE 4.5: GEOGRAPHIC MOBILITY: RESIDENCE ONE YEAR AGO, 2014

	AQUINNAH		DUKES COUNTY	
	Population	%	Population	%
Total	363	100%	16,915	100%
Same Home	357	98%	15,394	91%
Same County	1	<1%	330	2%
Same State	0	0%	231	1.4%
Different State	2	1%	429	2.5%
Abroad	0	0%	132	0.8%

Source: 2010-14 American Community Survey, as provided by MVC; Note: ACS data based on samples and are subject to variability

Household Characteristics

Overall the number of households in Aquinnah is estimated to have decreased between 2000 and 2014 from 141 households in 2000 to 120 households in 2014 while average household size increased from 2.44 to 3.03 persons per household. Per the 2014 ACS estimates, average household size in Aquinnah was larger than county wide (2.30) and statewide (2.53).

Aquinnah appears to have a larger percentage of family households than county-wide: of roughly 120 total households in Aquinnah, based on the 2014 ACS estimates, roughly 79 percent were family households; whereas county-wide family households are about 66 percent of total households. Statewide, about 78 percent of households are family households.

Aquinnah has a larger share of family households with children than the county – about 36 percent of family households have children under eighteen years in Aquinnah and about 26 percent in the county.

About 21 percent of all households in Aquinnah are people living alone, whereas about 29 percent of households county-wide are people living alone. The 2014 ACS estimates that in Aquinnah only two people age sixty-five years or older live alone (about 9 percent of total people living alone in Aquinnah); whereas about 13 percent of people living alone in the county are age sixty-five years or older.

Between 2000 US Census and the 2014 ACS estimates, the percentage of family households with children in Aquinnah slightly increased (from 33 to 36 percent), while the estimated number of family households with children declined, and people living alone decreased (from 30.5 to 21 percent) including more people age sixty-five years and over (from 25.6 to 9 percent). County-wide, the number and percentage of family households with related children under eighteen years decreased (from 28 to 26 percent). County-wide, significantly less people age sixty-five years and over are estimated to live alone in 2014 than in 2000 (from 715 to 220 people).

TABLE 4.6: HOUSEHOLD CHARACTERISTICS 2000 & 2014

	AQUINNAH				DUKES COUNTY			
	2000		2014		2000		2014	
Household Type	#	%	Est.	%	#	%	Est.	%
Total households	141	100.0%	120	100.0%	6,421	100.0%	5,839	100.0%
Total family households	89	63.1%	95	79%	3,791	59.0%	3,863	66%
Family households with related children under 18 years	47	33.3%	43	36%	1,824	28.4%	1,535	26%
Male householder, no wife present with own children	NA	--	0	0%	NA	--	13	<1%
Female householder, no husband present with own children	16	34.0%	6	5%	384	21.1%	584	10%
Nonfamily households	52	36.9%	25	21%	2630	41.0%	1,986	34%
Householder living alone	43	30.5%	25	21%	2054	32.0%	1,693	29%
65 years and over living alone	11	25.6%	2.2	9%	715	34.8%	220	13%
Average household size	2.44	--	3.03	--	2.30	--	2.86	--
Average family size	3.04	--	3.56	--	2.91	--	3.39	--

Source: US Census 2000; 2010-14 American Community Survey; Note: ACS data based on samples and are subject to variability

HOUSEHOLD TENURE

Aquinnah has the highest portion of renter households on the Island, with about 38 percent of total households renting. The county has roughly 22 percent of total households renting. This high rental rate is largely attributed to the thirty-three Tribal Housing Authority units. Although high compared to Island communities, Aquinnah’s share of renter households is comparable to the state where about 38 percent of households also rent per the 2014 ACS estimates.

TABLE 4.7: HOUSEHOLD TENURE, 2014

Tenure Type	AQUINNAH	DUKES COUNTY
Own	75	4,552
Rent	45	1,281
Total Households	120	5,839
% Own	62.5%	78.06%
% Rent	37.5%	21.94%

Source: 2010-14 American Community Survey, as provided by MVC; Note: ACS data based on samples and are subject to variability

HOUSEHOLD INCOME DISTRIBUTION

In past decades, Aquinnah’s median household income has been among the lowest on the Island and consistently lower than the Dukes County median household income between 1990 and 2010, however per the 2014 ACS estimates, the town’s median household income of \$65,833 is slightly higher than the county median of \$65,518. The estimated median household income statewide was \$67,846 per the 2014 ACS – most comparable to Chilmark, but slightly higher than Dukes County.

TABLE 4.8: MEDIAN HOUSEHOLD INCOME 1990-2014

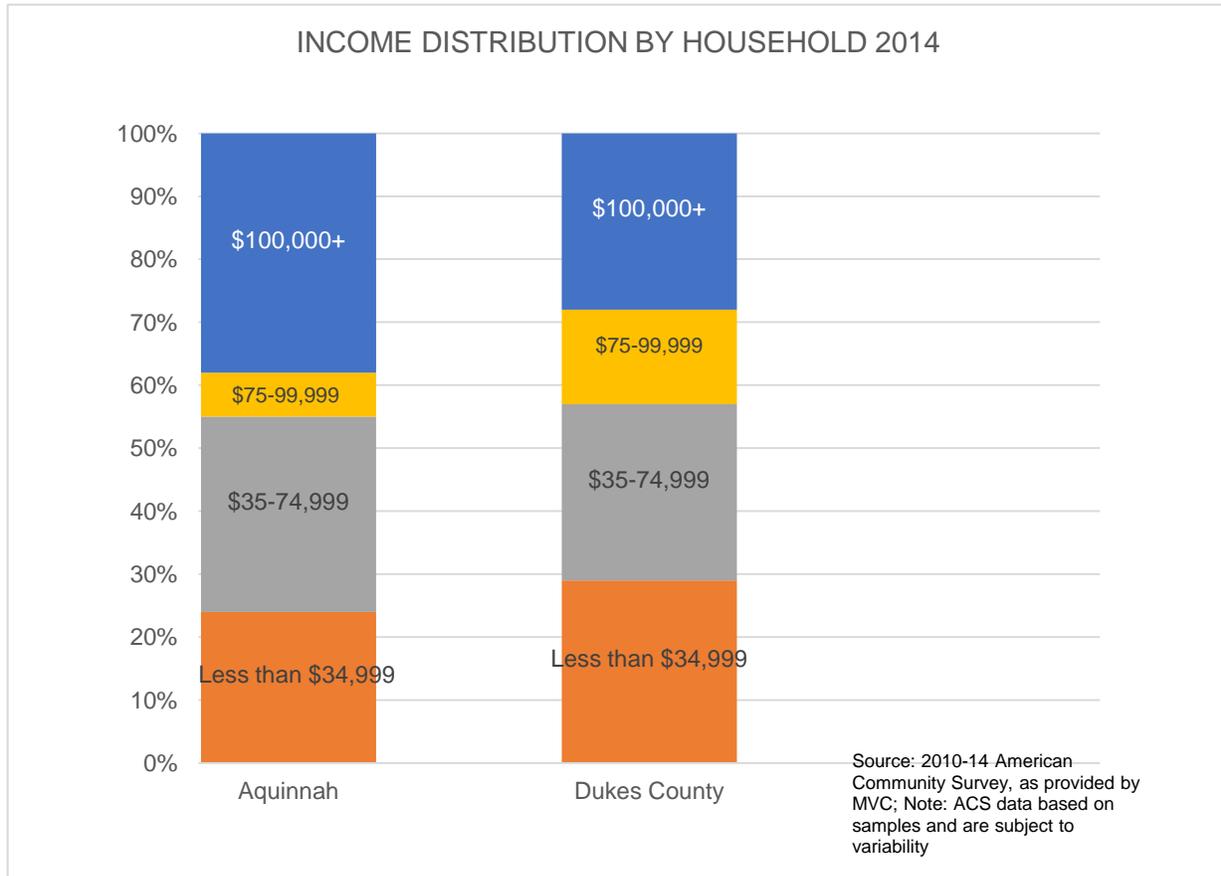
Median Income							
	Aquinnah \$	Chilmark \$	Edgartown \$	Oak Bluffs \$	Tisbury \$	West Tisbury \$	Dukes County \$
1990	18,250	34,375	36,285	31,117	28,281	32,422	31,994
2000	45,208	41,917	50,407	42,044	37,041	54,077	45,559
2010	57,500	72,917	67,625	59,156	58,551	71,667	62,407
2014	65,833	67,813	56,911	80,225	42,727	73,843	65,518

Source: US Census 1990-2010; Martha's Vineyard Housing Needs Assessment 2013; 2010-14 American Community Survey;
 Note: ACS data based on samples and are subject to variability. As provided by MVC

TABLE 4.9: HOUSEHOLD INCOME DISTRIBUTION, 2014

Income Level	AQUINNAH		DUKES COUNTY	
	# of Households	% of Households	# of Households	% of Households
less than \$34,999	29	24%	1,669	29%
\$35,000 to 74,999	38	31%	1,639	28%
\$75,000 to 99,999	8	7%	847	15%
\$100,000 +	45	38%	1,684	28%
Total	120	100%	5,839	100%

Source: 2010-14 American Community Survey, as provided by MVC; Note: ACS data based on samples and are subject to variability



Per the 2014 ACS, Aquinnah’s population of older adults – age sixty-five years and over – had a lower estimated median income of \$48,125 than the median income for all households in Aquinnah of \$65,833 – a gap of about \$17,700. However, county-wide, older adult households with an estimated median income of \$41,875 had an even wider gap in median income (\$23,643 less than the median income for all households) than in Aquinnah. Statewide, older adults had an estimated median income of \$41,489, roughly 27,700 less than the median income for all households.

TABLE 4.10: MEDIAN INCOME BY AGE OF HOUSEHOLDER, 2014

	AQUINNAH	DUKES COUNTY
Total:	Estimate	Estimate
Under 25 years	-	\$50,114
25 to 44 years	\$60,278	\$73,310
45 to 64 years	\$79,821	\$74,188
65 years and older	\$48,125	\$41,875
Median income for all ages	\$65,833	\$65,518

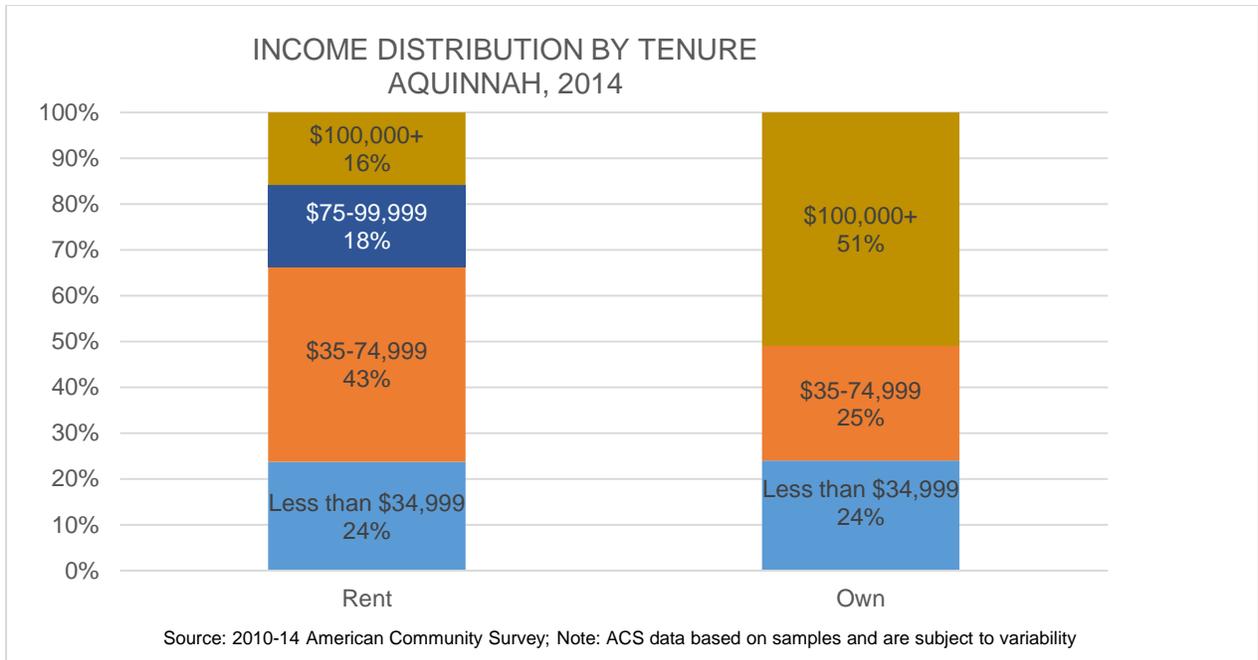
Source: 2010-14 American Community Survey; Note: ACS data based on samples and are subject to variability

Homeowner households in Aquinnah have a significantly higher estimated median income of \$103,125 than the county-wide estimated median income of \$69,827. Renter households also have a higher median income in Aquinnah of \$60,972 than the county-wide median income of \$46,544.

TABLE 4.11: MEDIAN INCOME BY TENURE, 2014

Median Income	AQUINNAH	DUKES COUNTY
Owner	\$103,125	\$69,827
Renter	\$60,972	\$46,544

Source: 2010-14 American Community Survey; Note: ACS data based on samples and are subject to variability



Poverty

Aquinnah had a significantly greater estimated share of its population, particularly children, living in households with income below the federal poverty thresholds, as compared to the county and the state. Per the 2014 weighted average federal poverty thresholds, a household of three is below the poverty threshold if household income is at or below \$18,850.¹³ In Aquinnah, per the 2014 ACS estimates, about 15.5 percent of the total population were living in households with incomes below poverty thresholds and just over 25 percent of children under age eighteen years. The only other Island community with a higher poverty rate was Tisbury (18.2 percent).

In Massachusetts, per the 2014 ACS, about 11.5 percent of the total population were living in households with incomes below poverty thresholds and about 15 percent of total children under age eighteen years. In Dukes County, about 10 percent of the total population were living in households with incomes below the poverty thresholds and about 13 percent of total children in the county.

Homelessness

Martha's Vineyard reported six unsheltered individuals, three sheltered individuals, and five sheltered family members in a motel for a total of fourteen for the federal Point in Time Count 2016.¹⁴ Between January and March 2016, Hospitality Homes (HH) provided winter shelter for twenty-two individuals – eighteen men and four women. There are no other shelters on the Island.

¹³ 2016 Federal Poverty Thresholds <http://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-thresholds.html>, accessed 12/29/16.

¹⁴ The homelessness information was provided by Karen Tewhey, HCEC Housing Counselor, Housing Assistance Corporation. On Cape Cod.

A total of forty-seven individuals (thirty-two men and fifteen women) and eight families have been identified by Housing Assistance Corporation as homeless between January and June 2016, including the individuals who slept at HH. However, these figures do not include residents who are involved with the “summer shuffle” and who are displaced temporarily for the summer months while their housing is used as short term rentals for tourists.

Homeless individuals on the Vineyard are challenging to house because they often have limited income, no positive rental history, and no assets. In addition, the majority have chronic physical and/or emotional handicaps, complex needs, and trauma histories. Approximately 75 percent of this population have a history of current or previous addiction to drugs or alcohol. Sixty-three percent of the homeless individuals presenting at the Housing Assistance Corporation Office in Vineyard Haven have a diagnosed disability, including Traumatic Brain Disorder, Asperger’s Syndrome, chronic heart condition, HIV/Aids, physical handicap, emotional disability, or cognitive impairment. Many of these individuals would benefit from a supportive housing situation with case management services.

Of the eight families that identified as homeless, two were domestic violence situations, six had young or school age children, and two were employed married couples. Four individuals had been awarded Massachusetts Rental vouchers that would pay for a one-bedroom apartment up to \$1,088/month, but remained homeless because of the total lack of affordable apartments on the Island.

Disability

Per the 2014 ACS, Aquinnah and county estimates of the population with physical or cognitive disabilities, with about 7 percent in Aquinnah and 8 percent in the county, were less than the estimated statewide population with disabilities (about 12 percent).

TABLE 4.12: POPULATION BY ESTIMATED DISABILITY STATUS, 2014

	AQUINNAH			DUKES COUNTY		
	Non-institutionalized civilian population estimated	With disability estimated	% of population estimated	Non-institutionalized civilian population estimated	With disability estimated	% of population estimated
Under 18	79	6	2%	3,177	43	0%
18-64	248	12	3%	10,649	595	4%
65 +	36	6	2%	2,997	624	4%
Total	363	24	7%	16,823	1,262	8%

Source: 2010-14 American Community; Survey Note: ACS data based on samples and are subject to variability

Economic Characteristics

A significant economic difference apparent on the Island in comparison to statewide is that there is a prevalence of self-employed workers in all Island towns. Statewide, the 2014 ACS estimates indicate that only 6 percent of all workers age sixteen years and older are self-employed, yet about 19 percent of all workers in Dukes County are self-employed and about 46 percent in Aquinnah are self-employed, which is by far the highest estimated self-employment rate of all the Island towns.

Roughly 54 percent of Aquinnah’s total labor force is employed in the services sector, which includes professional, scientific, management, administrative, entertainment, food, accommodations, and other services. Similarly, about 45 percent of Dukes County labor force is employed in the services sector. About 15 percent is employed in construction in Aquinnah and about 16 percent in construction in the county. Only about 3 percent in the town and 12 percent in the county are employed in wholesale/retail trade. A significantly larger percentage of Aquinnah residents is employed in the agriculture, forestry, or fishing sector at about 13 percent than in the county at only about 2 percent. Employment in government accounted for 10 percent of the total labor force employment; this can be attributed to having two governments, the Tribe and the Town.

TABLE 4.13: EMPLOYMENT BY INDUSTRY, 2015

Industry	AQUINNAH		DUKES COUNTY	
Total	199	100%	8,764	100%
Services ¹⁵	107	54%	3,950	45%
Construction	29	15%	1,408	16%
Wholesale & Retail Trade	5	3%	1,049	12%
Finance, Insurance, Real Estate	8		937	11%
		4%		
Manufacturing	4	2%	329	4%
Government	20	10%	384	4%
Transportation, Warehousing	1		211	
		1%		2%
Information	0	0%	316	4%
Agriculture, Forestry, Fishing	25		180	
		13%		2%

Source: MA Executive Office of Labor and Workforce Development. As provided by MVC

The unemployment rate in Aquinnah is lower than county wide – per the MA Executive Office of Labor and Workforce Development 2015 figures, Aquinnah’s unemployment rate was 4.8 percent and the county was 6.9 percent. However, as expected in a resort area, the average January unemployment rate is higher than the annual rate – 7.7 percent for the town and 12 percent for the county – but the town January rate is still significantly lower than county-wide, indicating that a smaller share of Aquinnah residents is employed in industries that fluctuate with seasons (such as tourism industries).

TABLE 4.14: AVERAGE EMPLOYMENT, 2015

	AQUINNAH	DUKES COUNTY
Labor Force	207	9,328
Employed	197	8,688
Unemployed	10	640
Area Unemployment Rate	4.8%	6.9%
MA Rate	5%	5%
Average January Unemployment Rate Area	7.7%	12%
Average January Rate MA	5.8%	5.8%

Source: MA Executive Office of Labor and Workforce Development

EDUCATIONAL ATTAINMENT

Per the 2014 ACS estimates, Aquinnah residents have attained higher education levels than residents county-wide. About 46 percent of the Aquinnah population twenty-five years and over have a Bachelor’s degree or higher; whereas about 41 percent county-wide have a Bachelor’s degree or higher. About 40 percent of the statewide population twenty-five years and over has a Bachelor’s degree or higher.

¹⁵ Includes professional, scientific, management, administrative, waste management, education, health care, social assistance, arts, entertainment, food, accommodations, recreation and other services.

CHAPTER 5

LOCAL HOUSING CONDITIONS

Key Findings

- Sixty-seven percent of the housing stock in Aquinnah is for seasonal or recreational use.
 - Eighty-four percent of Aquinnah's homeowners are between the ages of forty-five and seventy-four years.
 - The average household size in Aquinnah has increased at a time when it is decreasing in most towns in Massachusetts.
 - Aquinnah has a higher percentage of homes valued at over \$1,000,000 than the Vineyard.
 - Aquinnah has had substantially more homeowners move in since 1990 than the Vineyard.
-

Housing Supply and Vacancy Trends

OVERVIEW

Per the American Community Survey Five-Year Estimates (2010-2014), Aquinnah has a total of 467 housing units, of which 120 are occupied year-round and 347 (67 percent) are seasonal or vacation units.¹⁶ Of the units occupied year-round, seventy-five are owner-occupied units and forty-five are rental units.¹⁷ Aquinnah has a vacancy rate of a mere 0.2 percent (one unit).

As noted in Chapter 4, the year-round population of Aquinnah has fluctuated since 1960, but is currently at an estimated high of 363 residents. At the same time, the total number of households has declined and households with children under eighteen have declined, but family households have increased. The Town has also seen a decrease in the number of residents under thirty-four years and an increase in residents over thirty-five years. Finally, the Town's average household size has increased from 2.44 to 3.03 at a time when most communities around the State are experiencing a decrease in household size.

Available housing sales data indicate that several sales and transfers have occurred where the sale price was well below market value. This is likely the result of homes being sold or transferred between family members. A large majority of arm's length home sales occurred prior to 1979, yet Census data indicates that new householders have been moving in since 1990. This seems to suggest that adult children of aging parents may be returning to Aquinnah and creating some multi-generational households. If so, this could explain the increasing middle-age demographic, the low transfer prices recorded at the time of sale on what would normally be expensive real estate, and the increase in household size.

PERMIT ACTIVITY

Per the Census Bureau's Building Permit Survey, Aquinnah did not issue any new residential building permits between 2005 and 2015. However, per the building inspector's published

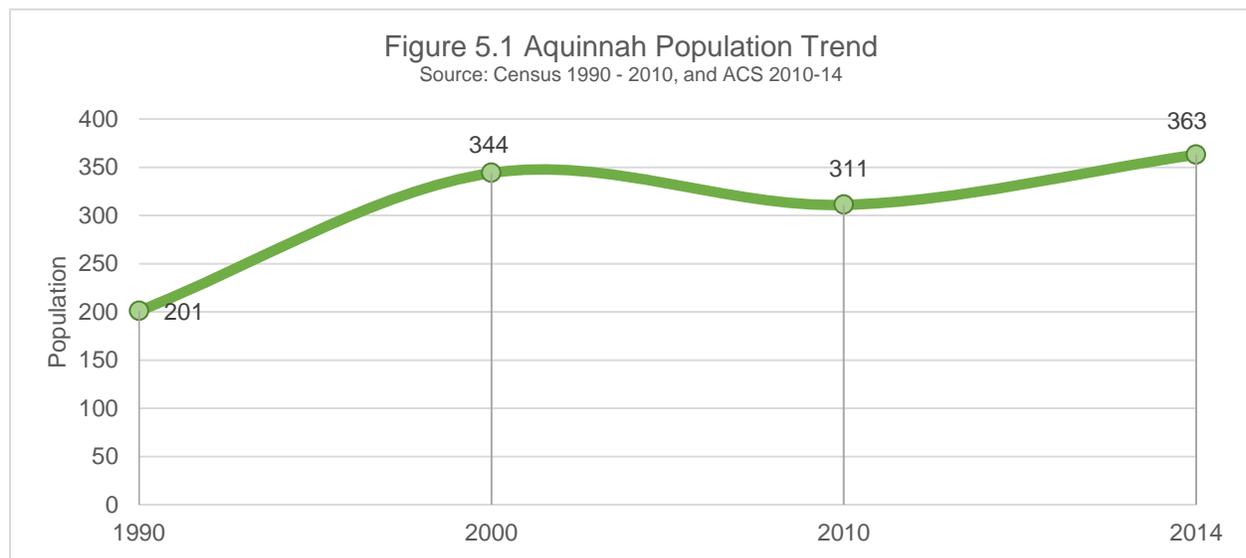
¹⁶ US Bureau of the Census, American Community Survey (ACS) 2010-14, "B25004: Vacancy Status", "B25001: Housing Units".

¹⁷ ACS 2010-14, "B25003: Tenure", "B25001: Housing Units."

annual reports, the town issued 46 building permits for new residential construction between 2005 and 2015.

Population Trends

Aquinnah is a tight-knit community with a small population located on the far western portion of Martha’s Vineyard. Since 1990, the population of Aquinnah has grown by 81 percent, or 162 residents.¹⁸ Over the course of nearly twenty-five years there has been both growth and decline of population in Aquinnah; however, the impact of these population trends affects both the supply and demand for housing in the town.



Residential Property Characteristics

Aquinnah’s land area encompasses a total of 3,456 acres, with 1,021 parcels that average 3.65 acres in size.¹⁹ Of the residential land uses (roughly 61 percent of all land), single-family properties comprise 30 percent and potentially developable residential land, 23 percent. About 8 percent of the parcels in Aquinnah are categorized as having multiple homes on a single parcel, and less than 0.5 percent is used for condominiums. The parcels containing multiple homes on one parcel have the highest average value at \$2,192,832 with an average acreage of 10.56.

TABLE 5.1 RESIDENTIAL LAND USE

USE TYPE	PERCENT OF LAND	COUNT	AVERAGE ACREAGE	AVERAGE VALUE
Single-Family	30%	384	2.88	\$1,245,893
Condominium	0%	6	2.11	\$394,600
Multiple Homes on One Parcel	8%	28	10.56	\$2,192,832
Potentially Developable Residential Land	23%	265	3.20	\$522,599

¹⁸ U.S. Census, 1990, 2000, 2010, and American Community 2010-2014, “Total Population”

¹⁹ MassGIS, 2012

Source: Aquinnah Assessing Department, 2012

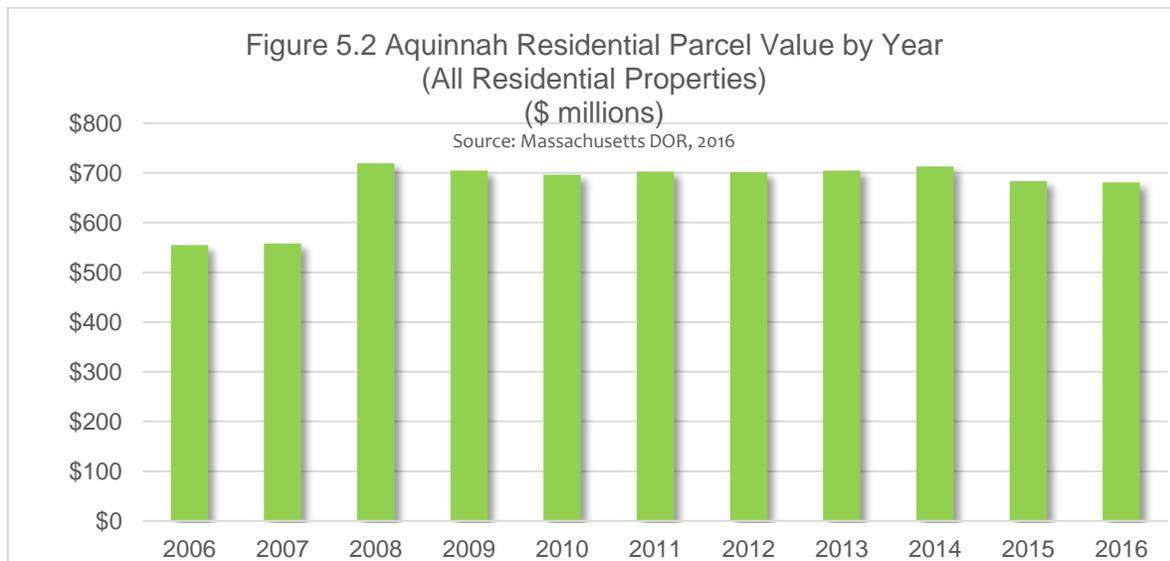
TRENDS IN RESIDENTIAL PROPERTY VALUES

Per the Massachusetts Department of Revenue (DOR), the average single-family assessed value in Aquinnah for Fiscal Year 2016 is \$1,233,062 with a tax rate of \$5.35 per thousand dollars of assessed value. The total assessed value of residential properties has remained steady, increasing at rate of 2.28 percent annually over the last ten years (Figure 5.2).²⁰ This statistic acts as a proxy for overall market health and growth, indicating that Aquinnah may not have a booming housing market but values have been stable and growing during the recovery period after the Great Recession.

TABLE 5.2. TAX RATES AND AVERAGE TAX BILLS FY16

Municipality	Single-family Assessed Values	Single-family Parcels	Single-family Average Value	Residential Tax Rate	Average Single-family Tax Bill
Aquinnah	\$485,826,497	394	\$1,233,062	5.35	\$6,597
Chilmark	\$2,019,507,700	1,069	\$1,889,156	2.71	\$5,120
Edgartown	\$4,204,709,800	3,410	\$1,233,053	3.62	\$4,464
Oak Bluffs	\$1,987,895,100	3,331	\$596,786	8.11	\$4,840
Tisbury	N/A	N/A	N/A	N/A	N/A
West Tisbury	\$1,399,518,788	1,450	\$965,185	6.06	\$5,849

Source: DOR, 2016

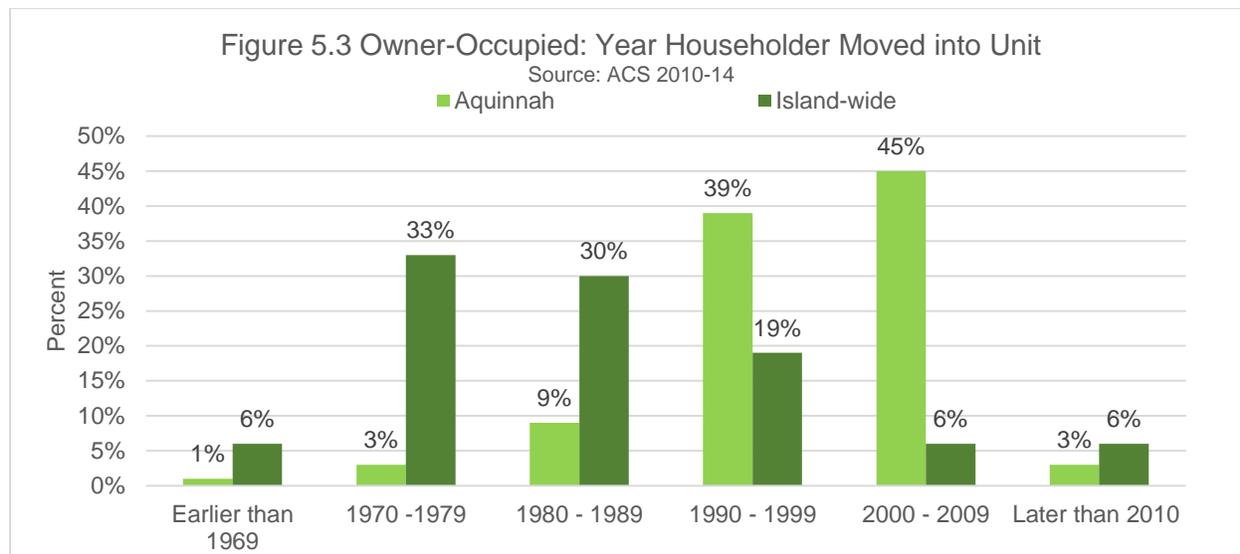


Owner-Occupied Housing Characteristics

Aquinnah has approximately seventy-five year-round owner-occupied housing units. Of the year-round homeowners, sixty-three moved in sometime between 1990 and 2009, with ten

²⁰ Massachusetts Department of Revenue, 2016

households moving in prior to 1980. Figure 5.3 illustrates the move-in year for year-round homeowners and shows that more homeowners moved into Aquinnah between 1990 and 2009 compared to Martha’s Vineyard.



HOMEOWNER HOUSEHOLDS BY AGE

The age distribution of Aquinnah’s homeowners is slightly older than on Martha’s Vineyard. Table 5.3 shows most homeowners are middle-age to seniors and slightly older than the Martha’s Vineyard average. Specifically, 84 percent of homeowners are between the ages of forty-five and seventy-four. The percentage of homeowners over the age of seventy-five is much smaller than that of Martha’s Vineyard.

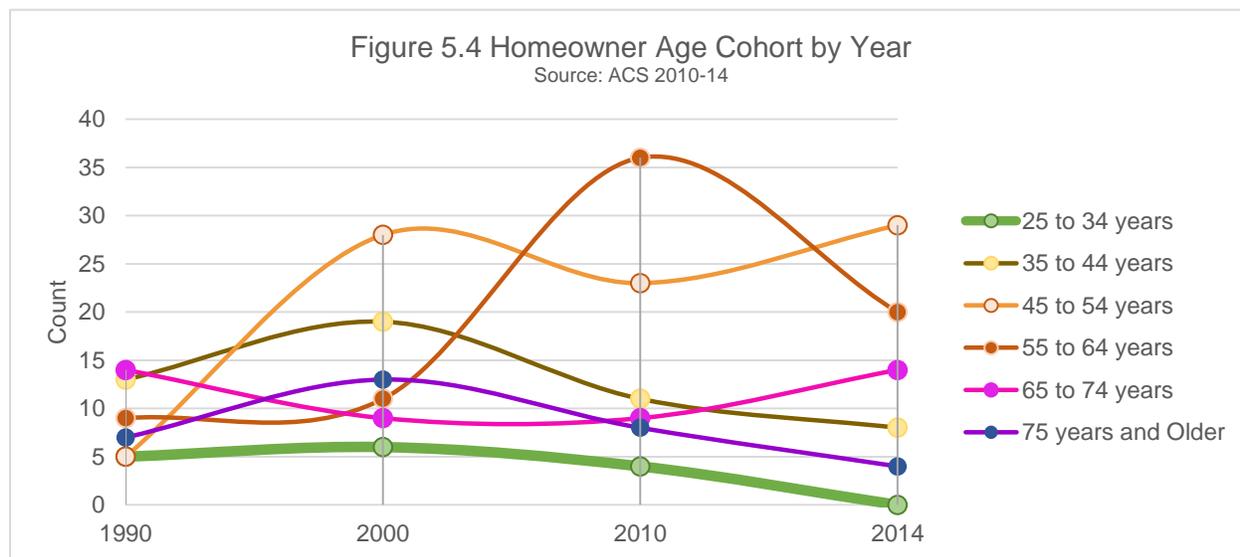
Table 5.3 HOMEOWNER HOUSEHOLDS BY AGE

	AQUINNAH		ISLAND-WIDE
	Count	Percent	Percent
<i>Owner-Occupied Units</i>	75	63%	78%
<i>Householder 25 to 34 years</i>	0	0%	3%
<i>Householder 35 to 44 years</i>	8	11%	15%
<i>Householder 45 to 54 years</i>	29	39%	24%
<i>Householder 55 to 59 years</i>	12	16%	15%
<i>Householder 60 to 64 years</i>	8	11%	12%
<i>Householder 65 to 74 years</i>	14	19%	18%
<i>Householder 75 to 84 years</i>	3	4%	11%
<i>Householder 85 years and over</i>	1	1%	3%

Source: US Bureau of the Census, American Community Survey 2010-14, "B25007: Tenure by Age of Householder".

Over the past twenty-four years, the age distribution has varied quite a bit. As Figure 5.4 shows, there have been noteworthy changes since 2000, including a 7 percent annual decrease in the thirty-five to forty-four-year-old population, 6 percent annual growth in fifty-five to sixty-four year olds, and a 4 percent annual growth in sixty-five to seventy-four year olds. Additionally, the period between 1990 and 2014 also experienced a general loss of population of individuals

under forty-four years and over seventy-five years old. Highlighting the inability of younger or older people being able to maintain their residence in Aquinnah.



HOMEOWNER HOUSEHOLDS BY INCOME

The median household income for all of Aquinnah’s year-round residents is \$65,833, which is nearly identical to the Dukes County median of \$65,518.²¹ For homeowner households, however, Aquinnah’s median household income is \$103,125, much higher than the median for Dukes County, \$69,827. Table 5.4 indicates that 50 percent of Aquinnah’s homeowners earn more than \$100,000 per year, while 30 percent of all homeowners earn less than the median income. One of the challenges in the owner-occupied and year-round market is the severely constrained supply of housing units that are affordable to median income households. Since 2012 no homes have sold that are affordable to a household earning less than \$75,000 per year.

Table 5.4 HOMEOWNER HOUSEHOLDS BY INCOME

	AQUINNAH		ISLAND-WIDE
	Count	Percent	Percent
<i>Less than \$5,000</i>	1	1%	4%
<i>\$5,000 to \$9,999</i>	0	0%	2%
<i>\$10,000 to \$14,999</i>	5	7%	4%
<i>\$15,000 to \$19,999</i>	4	5%	3%
<i>\$20,000 to \$24,999</i>	0	0%	2%
<i>\$25,000 to \$34,999</i>	8	11%	12%
<i>\$35,000 to \$49,999</i>	7	9%	10%
<i>\$50,000 to \$74,999</i>	12	16%	15%
<i>\$75,000 to \$99,999</i>	0	0%	14%
<i>\$100,000 to \$149,999</i>	21	28%	22%
<i>\$150,000 or more</i>	17	23%	11%

Source: US Bureau of the Census, American Community Survey 2010-14, "B25118: Tenure by Household Income in the Past 12 Months (in 2014 Inflation-Adjusted Dollars)"

²¹ ACS 2010-14, "B25111: Median Household Income the Past 12 Months (in 2014 Inflation-Adjusted Dollars) by Tenure".

OWNER-OCCUPIED HOUSING VALUES

In Aquinnah, it is challenging for a household earning at or below the median income of \$65,833 to find a home that is affordable. For example, a homebuyer whose income is at the town's median household income should be able to afford a home somewhere between \$215,000 to \$250,000, depending upon monthly expenses.²² As Table 5.5 shows, however, there are currently only seven homes in Aquinnah that would be affordable to a household at the median household income, and no homes have entered the market over the past two years in this price range.²³

Table 5.5 HOME VALUES IN AQUINNAH

<i>Home Value</i>	AQUINNAH		ISLAND-WIDE
	Count	Percent	Percent
Less than \$49,999	0	0%	1%
\$50,000 to \$99,999	7	9%	0%
\$100,000 to \$199,999	0	0%	2%
\$200,000 to \$299,999	0	0%	3%
\$300,000 to \$399,999	5	7%	12%
\$400,000 to \$499,999	5	7%	10%
\$500,000 to \$749,999	10	13%	41%
\$750,000 to \$999,999	17	23%	19%
\$1,000,000 or more	31	41%	13%

Source: US Bureau of the Census, American Community Survey 2010-14, "B25057: Value".

FOR-SALE MARKET

Between 2013 to 2015, there were a total of sixty-three residential sales, but only twenty-three were considered "arm's length."²⁴ In order to be considered an "arm's length", or qualified sales, three criteria must be met, "(1) willing seller and buyer not under compulsion; (2) knowledgeable, unrelated parties; (3) property on the market for a reasonable period of time."²⁵ Of the twenty-three qualified sales, two were condominiums, one was a property with more than one dwelling on the same lot, and twenty were single-family homes. The median sale price by property type is as follows (Table 5.6):

Table 5.6 MEDIAN SALE PRICE BY PROPERTY TYPE FOR 2013 to 2015

<i>Property Type</i>	Number of Sales	Median Sale Price
Single-Family	20	\$1,185,000
Condominium	2	\$427,500
Multiple Homes on One Parcel	1	\$1,025,000

Source: Warren Group, 2016

²² With a 20% down payment, 4% interest rate, 1% homeowner's insurance for an estimated monthly payment of \$1,359 or 25% of their monthly income

²³ LINK, 2016

²⁴ Warren Group, 2016

²⁵ Massachusetts Department of Revenue, 2016

Figure 5.5 further explores the distribution of qualified sale prices in Aquinnah and shows that 65 percent of all sales were over \$1,000,000, and 92 percent sold for \$500,000 or more.

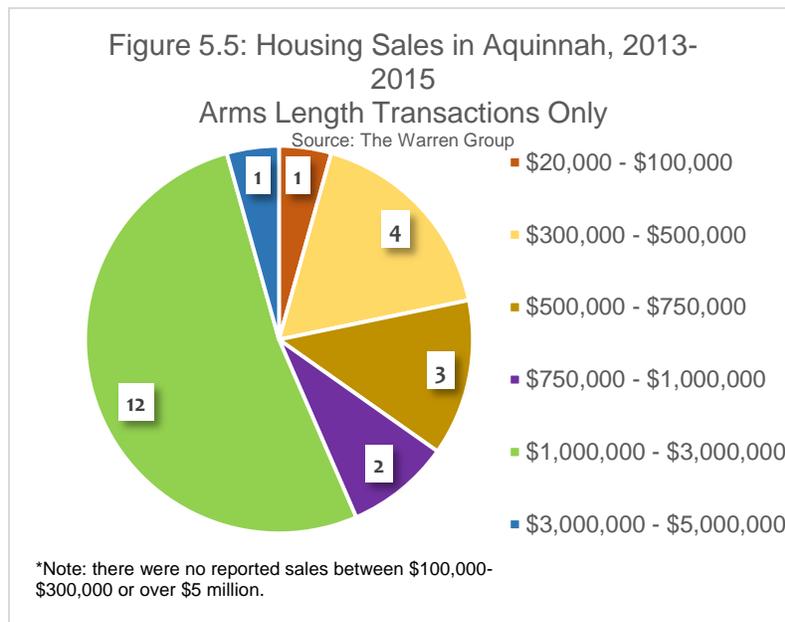
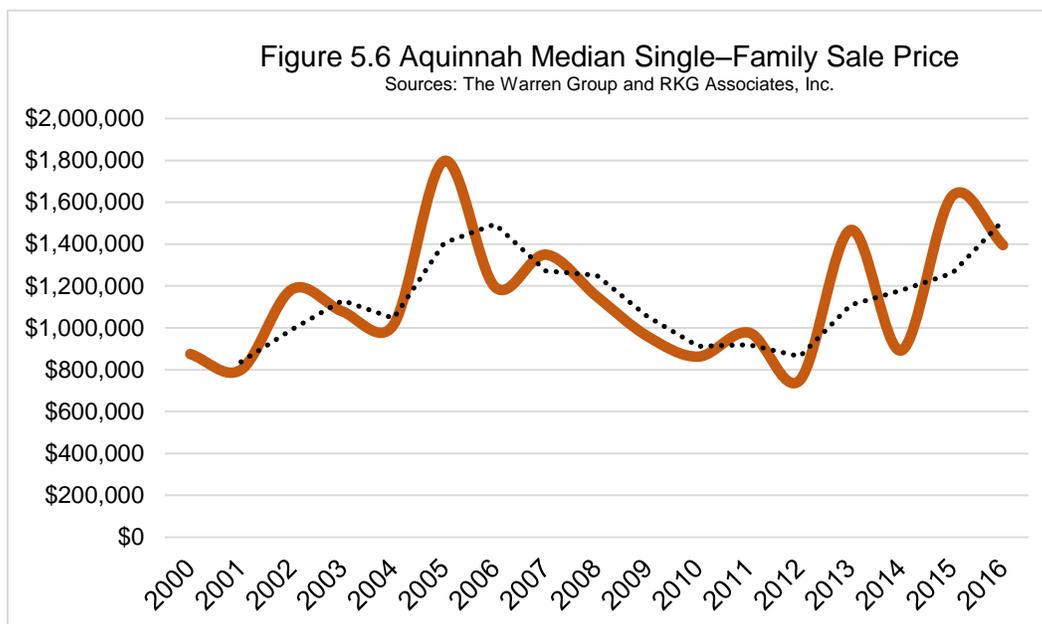
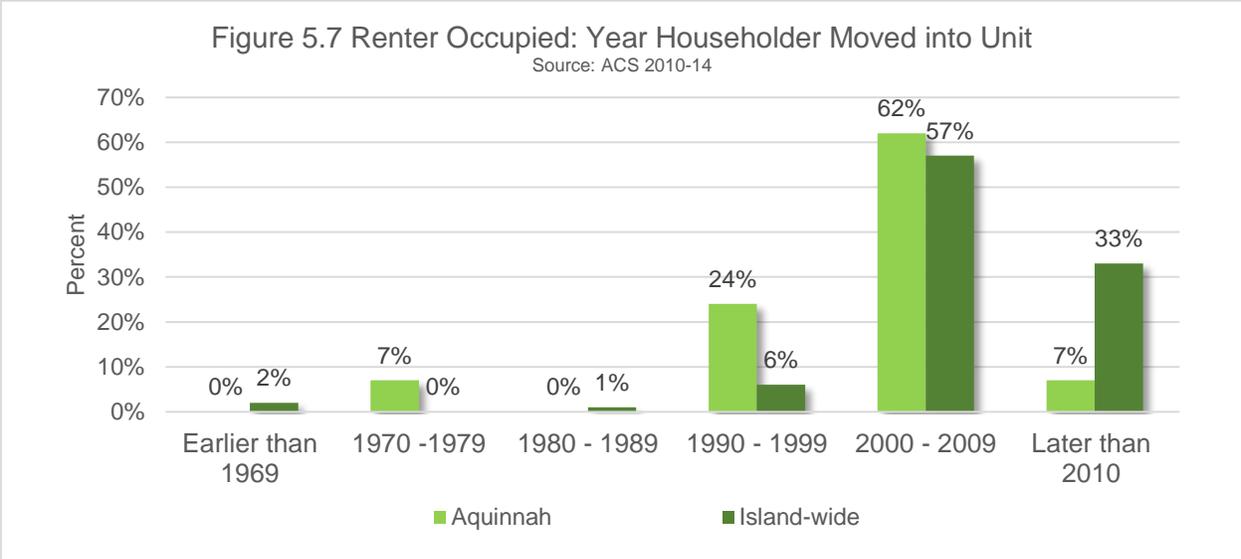


Figure 5.6 highlights the historical trend of median single-family sales price in Aquinnah between 2000 and 2016. Predictably, prices fell after the “Great Recession”, and have steadily increased since.



Renter-Occupied Housing Characteristics

Aquinnah has a total of forty-five year-round, renter occupied housing units, thirty-three of which are for members of, and are managed by, the Wampanoag Tribe of Gay Head.²⁶ The most recent ACS estimates indicate that 62 percent of renters in Aquinnah moved into their present unit between 2000 and 2009, which is like conditions throughout Martha’s Vineyard. The growth in renter households during the early 2000’s coincides with the development of tribal housing built in the late 1990’s, which was gradually filled in the early 2000’s. Since 2009, very few renters have moved into rental units in Aquinnah.



RENTER HOUSEHOLDS BY AGE

A total of twenty renters in Aquinnah are between forty-five and fifty-four years old, which is three times as high as the percentage of renters the same age across the entire Vineyard. It is also interesting to note in Figure 5.7 the upward trend of forty-five to fifty-four-year-old renters and the downward trend of twenty-five to thirty-four-year-old renters. Like the section on homeowners (above), there has been a substantial increase in the number of forty-five to fifty-four-year-old renters (55 percent), and an even greater drop in the number of twenty-five to thirty-four-year-old renters (annually declined by 34 percent since 2000).²⁷ Younger renters do not comprise a high proportion of the rental market in Aquinnah, which is very different than most places in mainland Massachusetts.

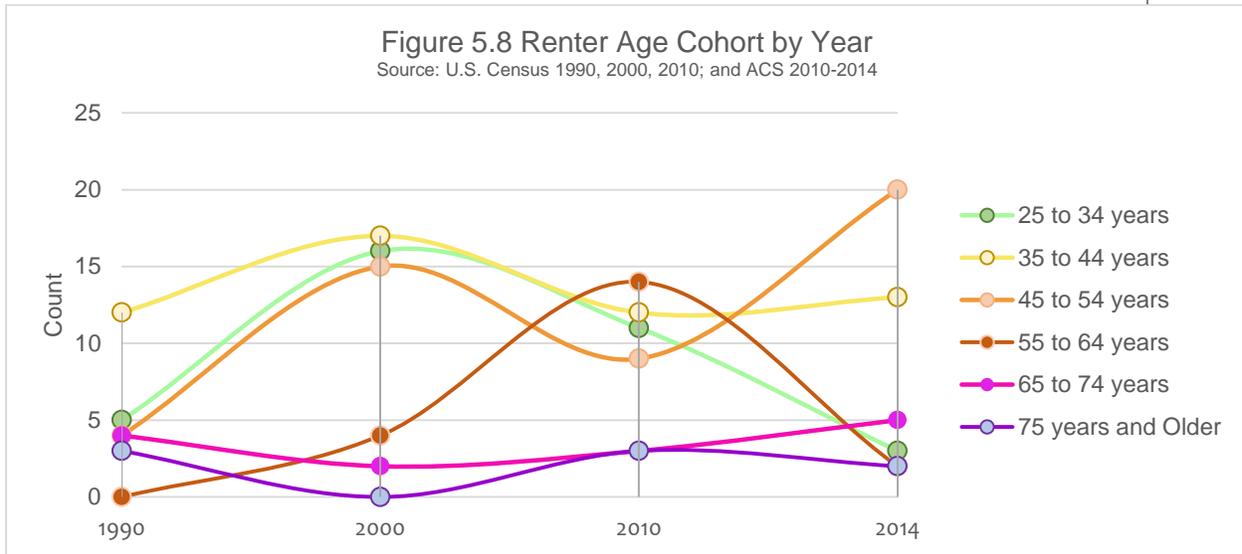
²⁶ US Bureau of the Census, American Community Survey 2010-14, "B25003: Tenure (American Indian and Alaska Native Alone Householder)".

²⁷ US Bureau of the Census, American Community Survey 2010-14, "B25007: Tenure by Age of Householder".

Table 5.7 RENTER HOUSEHOLDS BY AGE

	AQUINNAH		ISLAND-WIDE
	Count	Percent	Percent
<i>Renter occupied Units</i>	45	38%	22%
Householder 25 to 34 years	3	7%	23%
Householder 35 to 44 years	13	29%	26%
Householder 45 to 54 years	20	44%	16%
Householder 55 to 59 years	2	4%	7%
Householder 60 to 64 years	0	0%	4%
Householder 65 to 74 years	5	11%	6%
Householder 75 to 84 years	0	0%	9%
Householder 85 years and over	2	4%	6%

Source: US Bureau of the Census, American Community Survey 2010-14, "B25007: Tenure by Age of Householder".



RENTER HOUSEHOLDS BY INCOME

Incomes for renter households in Aquinnah follow a similar pattern to Martha’s Vineyard. Table 5.8 shows that 36 percent of renters earn between \$50,000 and \$74,999, with another 18 percent earning between \$75,000 and \$99,999. Renters in these two income brackets make up most of rental households in Aquinnah, and far exceed the number of rental households with the same incomes across the whole of Martha’s Vineyard.

Table 5.8 RENTER HOUSEHOLDS BY INCOME

	AQUINNAH		ISLAND-WIDE
	Count	Percent	Percent
<i>Less than \$5,000</i>	2	4%	3%
\$5,000 to \$9,999	4	9%	3%
\$10,000 to \$14,999	0	0%	8%
\$15,000 to \$19,999	1	2%	5%
\$20,000 to \$24,999	0	0%	1%
\$25,000 to \$34,999	4	9%	12%
\$35,000 to \$49,999	3	7%	19%
\$50,000 to \$74,999	16	36%	19%
\$75,000 to \$99,999	8	18%	15%
\$100,000 to \$149,999	3	7%	13%
\$150,000 or more	4	9%	2%

Source: US Bureau of the Census, American Community Survey 2010-14, "B25118: Tenure by Household Income in the Past 12 Months (in 2014 Inflation-Adjusted Dollars)"

RENTAL HOUSING COSTS

The most recent ACS estimates show that of the thirty-two renter households in Aquinnah paying cash rent, 31 percent pay between \$250 and \$500 per month while 47 percent pay more than \$1,000 per month.²⁸ The cost of rent breakdown for Aquinnah (Table 5.9) is quite different than that of the Vineyard. The percentage of renters in Aquinnah paying less than \$500 a month for rent and utilities is much larger than Vineyard-wide; similarly, the percentage of renters paying more than \$1,500 per month for rent and utilities is much larger throughout the Vineyard than in Aquinnah.

Table 5.9 RENTER HOUSEHOLDS BY GROSS RENT PER MONTH

	AQUINNAH		ISLAND-WIDE
	Count	Percent	Percent
<i>Less than \$250</i>	1	3%	2%
\$250 - \$500	10	31%	6%
\$500 - \$750	4	13%	4%
\$750 - \$1,000	2	6%	11%
\$1,000 - \$1,500	8	25%	28%
\$1,500 or more	7	22%	48%

Source: US Bureau of the Census, American Community Survey 2010-14, "B25063: Gross Rent".

Housing Affordability in Aquinnah

HOUSING COST BURDEN

As defined by the U.S. Department of Housing and Urban Development, "housing cost burden" occurs when low- or moderate-income households spend more than 30 percent of their monthly income on housing costs. For homeowners, "housing costs" include the monthly cost of a mortgage payment, property taxes, and insurance. For renters, it means monthly rent plus basic

²⁸ US Bureau of the Census, American Community Survey 2010-14, "B25063: Gross Rent".

utilities (heat, lights, hot water, and cooking fuel). When housing costs exceed 50 percent of a low- or moderate-income household’s monthly income, the household meets the definition of “severely cost burdened.” Table 5.10 reports the number of households in Aquinnah with housing costs that are at or below 30 percent, greater than 30 but less than 50 percent, and over 50 percent of their monthly gross income.

Table 5.10 HOUSEHOLD EXPENDITURES ON HOUSING IN AQUINNAH

Housing Costs as % Household Income	Homeowners	Renters	Total
Equal to/less than 30% Monthly Income	64	38	102
Between 30 and 50% Monthly Income	4	12	16
More than 50% Monthly Income	22	4	26
Estimates Unavailable	0	0	0
Total	80	50	130

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data. Note: the number of year-round households reported in the CHAS is a little different from the household estimates in the ACS because the CHAS is based on prior-year (2009-2013) ACS Five-Year Estimates.

About 33 percent of all year-round homeowners in Aquinnah pay more than 30 percent of their income toward housing. However, not all of them can be said to have housing cost burdens because people with high incomes usually have choices in the market. Table 5.11 shows that of 130 reported households in Aquinnah, there are twenty-six households with very low, low, or moderate incomes that have housing cost burdens and eighteen with severe housing cost burdens.

Table 5.11 HOUSING COST BURDEN IN AQUINNAH: ALL HOUSEHOLDS (OWNERS AND RENTERS)

<i>Household Income Range</i>	Housing Costs > 30%	Housing Costs >50%	Total	Percent w/ Housing Costs >30%
<=30% AMI	10	10	10	100.0%
>30% and <=50% AMI	8	4	10	80.0%
>50% and <=80% AMI	8	4	15	53.3%
>80% and <=100% AMI	4	0	30	13.3%
Income >100% AMI	10	10	65	N/A
Total	40	28	130	

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data. Note: Totals may not sum due to statistical error in CHAS data

Table 5.12 shows that of the twenty-six total year-round homeowners who pay more than 30 percent of their income toward housing, sixteen are low- or moderate-income households. Moreover, 67 percent (twelve) of those low- or moderate-income homeowners are severe housing cost burdened.

TABLE 5.12 HOUSING COST BURDENED HOMEOWNERS IN AQUINNAH (YEAR-ROUND HOMEOWNERS)

<i>Household Income Range</i>	Cost burden > 30%	Cost burden > 50%	Total	Percent Housing Cost Burdened
<=30% AMI	4	4	4	100.0%
>30% and <=50% AMI	4	4	4	100.0%
>50% and <=80% AMI	4	4	10	40.0%
>80% and <=100% AMI	4	0	10	40.0%
Income >100% AMI	10	10	50	N/A
Total	26	22	80	

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data. Note: moderate-income total adjusted to correct for sampling error.

Finally, Table 5.13 reports housing costs for renter households in Aquinnah. It shows that of the town's eighteen year-round renters with low or moderate incomes, twelve (68 percent) are housing cost burdened and four of those are severely cost burdened.

TABLE 5.13 HOUSING COST BURDENED RENTERS IN AQUINNAH (YEAR-ROUND RENTERS)

<i>Household Income Range</i>	Cost burden > 30%	Cost burden > 50%	Total	Percent Housing Cost Burdened
<=30% AMI	4	4	10	40.0%
>30% and <=50% AMI	4	0	4	100.0%
>50% and <=80% AMI	4	0	4	100.0%
>80% and <=100% AMI	4	0	15	26.7%
Income >100% AMI	0	0	15	N/A
Total	16	4	50	

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data. Note: Sums may not total due to statistical error

COST BURDEN BY HOUSEHOLD TYPE

Understanding cost burdening by household types is important because it provides greater clarity as to what types of household configurations are experiencing the most acute burden. The CHAS data provides a breakdown of cost burden for: large family, small family, elderly family, elderly non-family, and all other types.

For homeowners in Aquinnah, the household configuration that experienced the largest number of cost burdened individuals were small family households of two persons. Of this group, the household income most affected where those of greater than 100 percent AMI. In this category, there were twenty-five individuals who were cost burdened. Table 5.14 presents the data of housing cost burdening for homeowners.

Table 5.14 HOUSING COST BURDENED HOMEOWNERS BY HOUSEHOLD TYPE

Household Income Range	Household type is elderly family (2 persons, with either or both age 62 or over)	Household type is small family (2 persons, neither person 62 years or over, or 3 or 4 persons)	Household type is large family (5 or more persons)	Household type is elderly non-family	Other household type (non-elderly non-family)	All
<=30% AMI	4	0	0	4	0	4
>30% and <=50% AMI	4	4	0	0	4	4
>50% and <=80% AMI	0	0	0	0	10	10
>80% and <=100% AMI	4	4	0	0	4	10
Income >100% AMI	4	25	10	4	4	50
Total	16	33	10	8	22	78

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data. Note: Totals may not sum due to statistical error in CHAS data

For renters in Aquinnah, small households had the largest number of cost burdened households (thirty-three households). The income threshold of greater than 80 percent AMI had approximately twenty-five households that were cost burdened. Table 5.15 presents renter cost burden data by household type.

Table 5.15 HOUSING COST BURDENED RENTERS BY HOUSEHOLD TYPE

Household Income Range	Household type is elderly family (2 persons, with either or both age 62 or over)	Household type is small family (2 persons, neither person 62 years or over, or 3 or 4 persons)	Household type is large family (5 or more persons)	Household type is elderly non-family	Other household type (non-elderly non-family)	All
<=30% AMI	0	4	0	0	4	10
>30% and <=50% AMI	0	4	0	4	0	4
>50% and <=80% AMI	0	4	0	0	0	4
>80% and <=100% AMI	0	15	0	0	0	15
Income >100% AMI	4	10	0	4	0	15
Total	4	37	0	8	4	48

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data. Note: Totals may not sum due to statistical error in CHAS data

SEVERELY COST BURDENED BY HOUSEHOLD TYPE

Severely cost burdened occurs when housing costs are greater than 50 percent of AMI. The number of severely cost burdened households is a subset of the total number of cost burdened households. Utilizing the CHAS data tables, the number of severely cost burdened households in Aquinnah was determined for different household types. The CHAS data provides a

breakdown of cost burden for: large family, small family, elderly family, elderly non-family, and all other types.

The total number of homeowners in Aquinnah that are severely cost burdened are 34, translating into 44 percent of all cost burdened households. Table 5.16 presents severely cost burdened households by household types. Elderly and small family households experienced the greatest numbers of severely cost burdened households.

TABLE 5.16 SEVERELY HOUSING COST BURDENED HOMEOWNERS BY HOUSEHOLD TYPE

Household Income Range	Household type is elderly family (2 persons, with either or both age 62 or over)	Household type is small family (2 persons, neither person 62 years or over, or 3 or 4 persons)	Household type is large family (5 or more persons)	Household type is elderly non-family	Other household type (non-elderly non-family)	All
<=30% AMI	4	0	0	4	0	8
>30% and <=50% AMI	4	0	0	0	0	4
>50% and <=80% AMI	0	0	0	0	4	4
>80% and <=100% AMI	0	0	0	0	0	0
Income >100% AMI	4	10	0	0	4	18
Total	12	10	0	4	8	34

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data. Note: Totals may not sum due to statistical error in CHAS data

The total number of renters in Aquinnah that are severely cost burdened are eight, translating into 44 percent of all cost burdened households. Table 5.17 presents severely cost burdened households by household types. Small and other households were the only households to experience severe cost burdening.

TABLE 5.17 SEVERELY HOUSING COST BURDENED RENTERS BY HOUSEHOLD TYPE

Household Income Range	Household type is elderly family (2 persons, with either or both age 62 or over)	Household type is small family (2 persons, neither person 62 years or over, or 3 or 4 persons)	Household type is large family (5 or more persons)	Household type is elderly non-family	Other household type (non-elderly non-family)	All
<=30% AMI	0	4	0	0	4	8
>30% and <=50% AMI	0	0	0	0	0	0
>50% and <=80% AMI	0	0	0	0	0	0
>80% and <=100% AMI	0	0	0	0	0	0
Income >100% AMI	0	0	0	0	0	0
Total	0	4	0	0	4	8

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data. Note: Totals may not sum due to statistical error in CHAS data

Affordable Housing Characteristics

For the purposes of this analysis, affordable housing is housing that is restricted to individuals and families with qualifying incomes and asset levels, and receives some manner of assistance to bring down the cost of owning or renting the unit, usually in the form of a government subsidy, or results from zoning relief to a housing developer in exchange for the income-restricted unit(s). Affordable housing can be public or private. Public housing is managed by a public housing authority, established by state law to provide affordable housing for low-income households. Private income-restricted housing is owned and operated by for-profit and non-profit owners who receive subsidies in exchange for renting to low- and moderate-income households.

The Massachusetts Department of Housing and Community Development (DHCD) maintains a Subsidized Housing Inventory (SHI) that lists all affordable housing units that are reserved for households with incomes at or below eighty percent of the area median income (AMI) under long-term legally binding agreements and are subject to affirmative marketing requirements. The SHI also includes group homes, which are residences licensed by or operated by the Department of Mental Health or the Department of Developmental Services for persons with disabilities or mental health issues.

The SHI is the state’s official list for tracking a municipality’s percentage of affordable housing under M.G.L. Chapter 40B (C.40B). This state law enables local Zoning Boards of Appeals to approve affordable housing developments under flexible rules if less than 10 percent of year-round housing units in a town consist of income-restricted or subsidized housing for low-moderate income households. It was enacted in 1969 to address the shortage of affordable housing statewide by reducing barriers created by local building permit approval processes, local zoning, and other restrictions.

AQUINNAH AFFORDABLE UNITS

As of June 2016, there were forty-one units in Aquinnah listed on the SHI. The town currently meets its ten percent Chapter 40B affordable housing goal, with almost twenty-six percent of the total number of year-round units in Aquinnah on the SHI.

TABLE 5.18: COMPARISON OF SHI UNITS BY TOWN

	<i>Number of SHI Units</i>	<i>% SHI of Total Units</i>
<i>Aquinnah</i>	41	25.95%
<i>Oak Bluffs</i>	146	6.83%
<i>Tisbury</i>	109	5.55%
<i>Island-Wide</i>	411	5.21%
<i>Edgartown</i>	89	4.54%
<i>W. Tisbury</i>	23	1.84%
<i>Chilmark</i>	3	0.72%

Source: DHCD Subsidized Housing Inventory, 6/22/16

The units on the state’s Subsidized Housing Inventory (SHI) consist of thirty-three rental units (80.4 percent) and eight (19.5 percent) homeowner rehab (HOR) units. Per the Martha’s Vineyard Commission’s records, all the rental units are income-restricted units, affordable to

households with less than 60% AMI – these units are owned by the Tribal Housing Authority and located on Aquinnah Tribal Lands.

TABLE 5.19: AQUINNAH AFFORDABLE UNITS BY TYPE

	<i>SHI</i>	<i>Non-SHI</i>	<i>Total Restricted</i>
<i>Rental</i>	33	0	33
<i>Ownership</i>	0	7	7
<i>Rehab</i>	8	4	12
<i>Rental Assistance</i>	0	2	2
<i>Total</i>	41	13	53

Source: DHCD Subsidized Housing Inventory, 6/22/16 and Martha's Vineyard Commission, 7/25/16

Of the seven affordable ownership units, four of the units (57 percent) are affordable to households with 60 percent to 80 percent AMI and three of the units (43 percent) are affordable to households with 80 percent to 100 percent AMI.

Approximately 80.5 percent (thirty-three units) of the total SHI units were created through comprehensive permits under C.40B.²⁹

Units in Development Pipeline

While the SHI lists all developments and total units that are currently affordable in Aquinnah, there are developments under consideration or construction that may or may not be counted on the SHI listing.³⁰ The first development at 45 State Road is a two-unit ownership development (2 2BR @80-100 percent AMI). At present the town has/is seeking funding/permitting and will impose a 99-year ground lease restriction. These units may count towards the SHI listing.

The second affordable development that is being constructed will not count towards the SHI numbers. It is a one-unit ownership development, to be constructed by the current landowner. All permitting is done and it just needs to get someone to hold the restriction. The unit is targeting residents over 100 percent AMI, which results in it not counting towards the SHI listing.

Term of Affordability

None of the units listed on the SHI are restricted as affordable in perpetuity, however most of the units are owned by the Tribal Housing Authority and the other units are rehab units - the eight rehab units have affordability restrictions that will expire between 2017 and 2019. These include the following LCCDC HOR Program³¹ units:

- Two units at Skye Lane and State Road, with an end term in 2017
- Three units at Moshup Trail, Church Street, and State Road, with an end term in 2018
- Three units at Church Street and State Road, with an end term in 2019

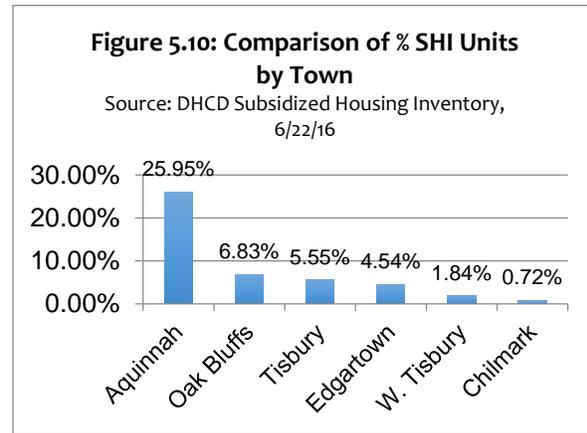
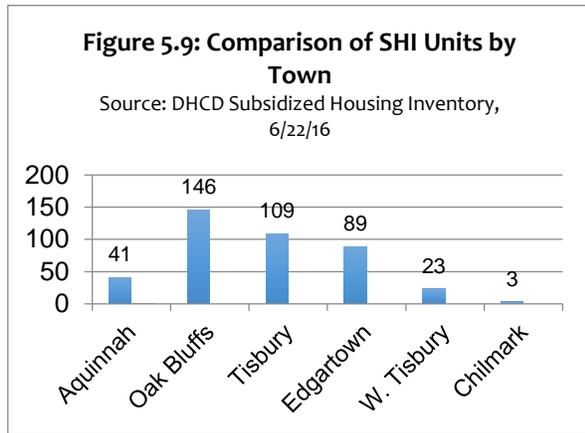
²⁹ Department of Housing and Community Development Subsidized Housing Inventory, 6/22/16

³⁰ Information was obtained from town residents and officials

³¹ LCCDC HOR Program – Lower Cape Cod Community Development Corporation Homeownership Rehab Program

Regional SHI Comparison

Island-wide, Martha's Vineyard has 411 units counted on the SHI. Aquinnah's forty-one units are about 10 percent of the island's total SHI units. The town with the most affordable units is Oak Bluffs with 146 units – about 46 percent of the island's total units. Chilmark has the least amount, with only three units counting on the SHI.



AFFORDABILITY MISMATCH OF EXISTING RENTAL HOUSING

Affordability mismatch occurs when there is a disparity between the supply of affordable units available at specific rent thresholds and the number of renter households that fall within specific median income thresholds occupying units. The CHAS data is used for determining the affordability mismatch. The analysis provides an understanding of how many affordable units within the housing supply are available to households that require them. The analysis was conducted for different housing unit types such as zero or one-bedroom, two-bedroom, three-bedroom or more, and all units.

Table 5.20 presents rental housing information for all bedroom types in Aquinnah. Within the income threshold of under 30 percent of AMI, there are two people in need of affordable housing for every one unit of affordable housing; the same is true at incomes below 50 percent of AMI. At incomes of greater than 50 percent AMI but less than 80 percent of AMI, the mismatch is resolved because there is enough housing stock to cover those household incomes.

TABLE 5.20 AFFORDABILITY MISMATCH, ALL BEDROOM TYPES

	Household Income<= 30% AMI	Household Income<= 50% AMI	Household Income<= 80% AMI
Total Units Affordable and Available	4	8	20
Total Renter Households	8	16	20
Total Shortage/Surplus of Units Affordable to Income Groups	4	8	0
Affordable and Available Units Per 100 Renter Households	50	50	100

Source: CHAS, 2009-2013

CHAPTER 6

DEVELOPMENT CONSTRAINTS & LIMITATIONS

Summary

The focus of this chapter is to detail Aquinnah's development constraints and limitations and includes a description of environmental constraints, infrastructure capacity, and regulatory barriers. Primary development constraints in Aquinnah consist of the following:

- Land use patterns have changed dramatically over the last sixty years. In 1951, there were 888 acres of agricultural land in Aquinnah. There is no significant agricultural land remaining. Conversely, Aquinnah's woodlands have increased as old farmland has reverted to forested land.
- Clay soils may infiltrate septic systems and cause a backup of the system, or prevent absorption of liquid waste. Alternatively, sands may accept sewage so readily that nearby shallow wells may become contaminated. The highly variable nature of Aquinnah's soils requires a site-by-site analysis to identify proper uses of the land.
- Aquinnah's aquifers generally range from very poor to variable. In those areas where groundwater is found, there is considerable uncertainty as to its quantity and quality.
- Of Aquinnah's approximate 3,500 acres, 380 acres are permanent wetlands and an additional 170 are seasonal wetlands.
- No parcels within Aquinnah are served by town water. The variability of Aquinnah's soils can make locating wells challenging.
- Virtually every soil type present in Aquinnah has one or more severe limitations to on-site disposal systems. The greatest of these is the general wetness of the area: 20 percent of the town has a very high seasonal water table.
- The wastewater facility on Wampanoag Tribal lands is currently operating at 25 percent capacity.

Environmental Constraints

The information presented in this section below is largely based on the Island towns' various Open Space & Recreation plans that date from 1997 through 2015, the 2009 Island Plan, USDA 1986 Soil Survey of Dukes County, and BioMap2 info.

TOPOGRAPHY

Aquinnah's topography is characterized by gentle hills that are neither long nor high. Small hills, modest fields, and low cliffs are readily revealed due to the lack of tall trees, and often appear larger than they are. The shore area topography is primarily flat to rolling morainal rises lined with sandy or stony beaches; open vistas predominate. The Aquinnah Cliffs are steep clay cliffs that ascend some 150 feet.

Land use patterns have changed dramatically over the last sixty years. In 1951 there were 888 acres of agricultural land in Aquinnah. There is no significant agricultural land remaining. Conversely, Aquinnah's woodlands have increased as old farmland has reverted to forested land.

SOILS

The soils in Aquinnah developed on glacial deposits which were gouged out of older coastal deposits of sands, silts, and clays north of the area. The clays are believed to have been thrust upward as frozen plates in advance of the leading face of glaciers by the massive weight of the ice deforming the coastal plain clays lying on the bottom of the Buzzards Bay area.

Throughout Aquinnah the pattern of soil types is extremely complex. Given the presence of clay and the hilly topography, the lowlands are characteristically wet. The layers of clay may also lead to springs or seeps forming wet areas even on hilly slopes. Alternating layers of clays and sands which were gouged up, broken, folded and smeared by advancing glaciers create a variety of parent material.

The soils may be broadly grouped into those developed on sand and gravel; those developed on clay or clay till; and those which developed in sands but formed a cement hardpan. These soils are distributed in a complex and seemingly random pattern throughout the town.

Clay soils may infiltrate septic systems and cause a backup of the system, or prevent absorption of liquid waste. Alternatively, sands may accept sewage so readily that nearby shallow wells may become contaminated. The highly variable nature of Aquinnah's soils requires a site-by-site analysis to identify proper uses of the land.

GROUNDWATER

Unlike most of Martha's Vineyard, Aquinnah does not have a high quality or ample supply of groundwater due to the complex marginal geology and absence of an outwash plain. However, wetlands represent a significant portion of Aquinnah's landscape. There are no public wells in Aquinnah and no Zones of Contribution.

The aquifers generally range from very poor to variable. In those areas where groundwater is found, there is considerable uncertainty as to its quantity and quality.

The depth to water varies from ten to three hundred feet and is often high in dissolved minerals and fine sediments. Some areas along the coast are characterized by limited amounts of fresh water and a high vulnerability to salt water intrusion.

PONDS

Coastal Salt Pond communities consist of vegetation surrounding, and in, coastal brackish ponds. These ponds are usually separated from the ocean by a sandspit. Their salinity varies and is influenced by opening and closing of the spit. Aquinnah has two examples of Coastal Salt

Pond including Menemsha Pond that is quite large and supports a diverse community of plants and animals. It is also well buffered from development by a large, naturally vegetated landscape.

Menemsha Pond

Menemsha Pond is a 286-acre tidal salt water pond that provides shellfish resources to the town, including clams, quahogs, scallops, and blue crabs. The pond must remain open to boats as the federal government considers the pond a “harbor of refuge.” In 2015, Aquinnah and Chilmark agreed in to allow dredging of the pond to ensure easier pond access to boats. Officials expressed concern over the effect of dredging and greater boat access on the fragile and economically important shellfish beds in the pond.³² Dredging took place in January 2016 and is incomplete as of the time of this writing.

Squibnocket Pond

Squibnocket Pond is a 603-acre pond which provides a hatchery to white perch and other fin fish as well as eels. The MVC categorized this pond as Compromised. Historically, eelgrass is not known to be in the pond. Nitrogen load is high; transparency is periodically very low. The pond contains oysters and has a substantial herring run. The herring creek that runs between Squibnocket and Menemsha Ponds is an important source of herring and the annual harvest at the herring run by the Wampanoag Tribe is an important social and economic event.

PLANT COMMUNITIES & WETLANDS

Aquinnah is dominated by scrub oak and heath communities. The largest stands of trees are black or white oaks or subvarieties of those species. Tree stands tend to be dense, with many areas having 80-100 percent crown closure. Underbrush is dense to prohibit passage in many areas as well. Two plant inventories reveal the presence of more than 250 species of trees, shrubs, wildflowers, and other herbaceous plants, and ten rare species.

Of Aquinnah’s approximate 3,500 acres, 380 acres are permanent wetlands and an additional 170 are seasonal wetlands.

As described below, the MA Division of Fisheries and Wildlife identified two Wetland Cores and two Wetland Core Buffers within Aquinnah. These are the least disturbed wetlands and those with intact buffers and little fragmentation or other stressors associated with development. These wetlands are most likely to support critical wetland functions (i.e., natural hydrologic conditions, diverse plant and animal habitats, etc.) and are most likely to maintain these functions into the future.

AREAS OF CRITICAL ENVIRONMENTAL CONCERN: BIOMAP2³³

The Massachusetts Department of Fish & Game, through the Division of Fisheries and Wildlife’s Natural Heritage & Endangered Species Program (NHESP), and The Nature Conservancy’s Massachusetts Program developed BioMap2 to protect the state’s biodiversity in the context of

³² Elvin, Alex. “Officials Brace for Increased Boat Traffic on Menemsha Pond”. *The Vineyard Gazette*. December 9, 2015.

³³ Commonwealth of Massachusetts: Division of Fisheries and Wildlife. *BioMap2; Conserving the Biodiversity of Massachusetts in a Changing World*. 2012.

climate change. BioMap2 identifies two complementary spatial layers, Core Habitat and Critical Natural Landscape.

Core Habitat identifies key areas that are critical for the long-term persistence of rare species and other Species of Conservation Concern, as well as a wide diversity of natural communities and intact ecosystems across Massachusetts. Protection of Core Habitats will contribute to the conservation of specific elements of biodiversity.

Critical Natural Landscape identifies large natural Landscape Blocks that are minimally impacted by development. If protected, these areas will provide habitat for wide-ranging native species, support intact ecological processes, maintain connectivity among habitats, and enhance ecological resilience to natural and anthropogenic disturbances in a rapidly changing world. Areas delineated as Critical Natural Landscape also include buffering upland around wetland, coastal, and aquatic Core Habitats to help ensure their long-term integrity.

Aquinnah and Chilmark encompass a variety of high-quality Estuarine and Maritime communities on Martha's Vineyard. These diverse habitats support many rare plant species, several rare moth species, and a rare tiger beetle. The beaches and dunes provide important nesting habitat for Piping Plovers and Least Terns, and other areas are used by Northern Harriers and a variety of migrating bird species.

The following lie partially or entirely within Aquinnah:

Core Habitat

- 3 Exemplary or Priority Natural Community Cores
- 2 Wetland Cores
- 2 Aquatic Cores
- 7 Species of Conservation Concern Cores: including 5 birds, 1 reptile, 1 amphibian, 8 insects, 6 plants

Critical Natural Landscape

- 1 Landscape Block
- 2 Wetland Core Buffers
- 1 Aquatic Core Buffer
- 3 Coastal Adaptation Areas
- 3 Tern Foraging Areas

The largest Core Habitat partially located in Aquinnah is a 5,036-acre Core Habitat featuring Wetland Core, Aquatic Core, Priority Natural Communities, and Species of Conservation Concern that encompasses a variety of high-quality Estuarine and Maritime communities in Aquinnah and Chilmark. These diverse habitats support many rare plant species, several rare moth species, and a rare tiger beetle. The beaches and dunes provide important nesting habitat for Piping Plovers and Least Terns, and other areas are used by Northern Harriers and a variety of migrating bird species.

SCENIC VIEWS

Aquinnah possesses breathtaking vistas due to its geography and geology. Much of the town is rugged, wild, windswept and rolling. From the Gay Head cliffs, which are a registered national landmark, one can see the Elizabeth Islands, Vineyard Sounds and the Atlantic Ocean, and New Bedford. The State Road reveals a wide panorama as it approaches the cliff area. The view from the cliffs is a symbol of Aquinnah as well as the Vineyard.

From the south, Moshup Trail winds through an otherworldly landscape of rolling moor, heath, and dunes as it passes along the ocean and rises to join State Road at the cliffs. It is the only place on the island where one can travel along the Island's south shore beaches for any distance and offers a panorama of rolling dunes and ocean swells.

The Cranberry Lands and West Basin offer a unique landscape of undeveloped dunes and low growing vegetation. At the end of West Basin Road is a view of the fishing village of Menemsha, a quintessential Vineyard scene. Elsewhere in Aquinnah, vegetation is dense and undisturbed and structures seem to fit snugly into the landscape rather than dominate it.

Historic & Cultural Resources

Aquinnah is rich with significant archaeological and historic sites, many of which remain from over thousands of years of inhabitation by the Wampanoag tribe. To prevent looting and destruction of the archaeological sites, their location is not made public. Aquinnah has twenty-nine historic properties listed on the State Register of Historic Places and four listed on the National Register.

Among the nationally listed properties in Aquinnah is one of the Island's most iconic landmarks after Aquinnah's massive clay cliffs, the Gay Head Light lighthouse built in 1856.

Other properties include historic houses built in the 19th century and Aquinnah's historic town center district. Aquinnah's oldest historic "property" is the town's stone wall boundary which was constructed in 1714.

Infrastructure Capacity

DRINKING WATER

No parcels within Aquinnah are served by town water. The variability of Aquinnah's soils can make locating wells challenging.

Of the 581 buildings in Aquinnah (larger than 400 square feet), 94 percent are located on residential or tribal parcels and source their water from private wells. The town issues three to five permits for wells per year. These may be re-drills or new wells. Aquinnah draws a residential annual average of 62,200 gallons of water per day.

WASTE WATER

The town of Aquinnah does not have a municipal treatment facility save for a small facility on Wampanoag Tribal Land.

However, virtually every soil type present in Aquinnah has one or more severe limitations to on-site disposal systems. The greatest of these is the general wetness of the area: 20 percent of the town has a very high seasonal water table.

From November to June, this water table appears at the surface to one and a half feet below the surface. In the late summer this level may drop to three feet below the surface. Additional limitations include poor filtration, slow percolation, slopes, flooding, ponding, combinations thereof, and beach lands.

Wampanoag Tribal Housing Wastewater Treatment Facility

The Wampanoag tribe of Aquinnah operates a wastewater treatment facility to serve its housing authority housing. The facility currently serves tribal housing, the tribal housing authority office, and will also serve the new 6,200 square foot community center when it is completed in early 2017. The community center will have its own well.

The wastewater facility is currently operating at 25 percent capacity.

SOLID WASTE

Aquinnah is a member of the Martha's Vineyard Regional Refuse Disposal and Resource Recovery District, which handles their waste management. Each town has its own waste transfer station, often at former landfill sites, all of which incorporate deposit of materials for recycling.

The volume of waste the Vineyard disposes of is an energy-intensive and, thus, costly operation. Currently the island ships 33,500 tons of trash off-Island each year, accounting for 15 percent of the Steamship Authority's freight traffic, or one in seven freight trips. The Vineyard's generation of waste is growing much faster than its year-round population.

TRANSPORTATION

Roadways

There are five major paved roads within Aquinnah. These roads do not have sidewalks, which impedes the safety of pedestrian travel.

- Massachusetts State Highway or "State Road"
- Moshup Trail
- Lighthouse Road
- Lobsterville Road
- West Basin Road

The remainder of the town is served by local terminal roads both paved and dirt.

Public Transportation

The Martha's Vineyard Transit Authority (VTA) is the Island's regional transit authority. A fleet of thirty-three fully accessible vehicles, with seating capacities ranging from eighteen to thirty-seven passengers, provide service on fourteen fixed routes from mid-May through mid-October and thirteen fixed routes in off-season. Per the FY2014 Vineyard Transit Authority Annual Report, FY2014 showed an overall increase of 6 percent in passenger boardings compared to FY2013.

The VTA routes cover nearly all island major roads and all parts of the Island including the main public beaches and two park-and-ride lots. Timed transfers at various locations on the Island allow passengers to plan efficient longer trips.

Route #5 serves Aquinnah with seven trips per day in the off-season, beginning between 6:56am with the first trip departing at the Gay Head Lighthouse to 5:45pm with the last trip departing. Stops in Aquinnah include Gay Head Lighthouse, Aquinnah Town Hall, and Wampanoag Tribe. This route provides transportation between Aquinnah Gay Head Lighthouse and West Tisbury Town Hall where transfer to routes #2, 3, 4, and 6 is available.

Single one-way fares are \$1.25 per town, including town of origin up to \$6.25 for five towns. The cost of bus passes ranges from \$8 for one day to \$120 for an annual pass. Discounted passes are available to year-round resident seniors age sixty-five and up.

The VTA operates paratransit van service, as required by law, giving access to the bus routes to eligible disabled individuals. The service runs within 3/4 mile of each route. In addition to paratransit trips, the VTA provides contract transportation to the Adult Day Care Program and Senior Lunch Programs.

Sidewalks and Shared Use Paths

Narrow public rights-of-way in Aquinnah often leave little room for sidewalks, let alone wider shared-use paths. The condition of the sidewalks and pedestrian congestion effectively prevents their use by cyclists, who are relegated to the roadway, which can further congest motor vehicle traffic. The Up-Island towns of West Tisbury, Chilmark, and Aquinnah do not have Shared Use Paths. Most of the roads in these towns are narrow, winding, and hilly, and suitable mainly for experienced cyclists.

Other constraints to creating new SUPs, particularly for the Up-Island towns, are landscape features, such as stone walls or major trees, which contribute to the character of rural roads. There is also concern that paths along some of the narrower or more heavily vegetated roads could widen the appearance of the roadway, which is known to promote faster vehicle speeds. Vegetation or railing between the road and the SUP can help mitigate such effects.

Access by Boat

A privately-owned and operated bicycle ferry makes trips between town landing at west basin and Menemsha. This allows cyclists to enter Aquinnah and access Lobsterville beach without using the narrow and curving state highway. It also offers Aquinnah residents access to Menemsha's shops and other employment purposes.

SCHOOLS³⁴

The Martha's Vineyard six public schools and the MV Public Charter School, which are generally recognized as being of excellent quality, provide education from pre-kindergarten to grade 12. The school population has been declining for about eight years; the 2015 enrollment of 2,325 students was a little more than three-quarters of its facility capacity of 2,980. The public-school system is the largest single Island employer, with about 600 employees.³⁵

Martha's Vineyard is a school choice district. Children may attend any school of their family's choice on the Island. They are not restricted to their town school in the lower grades if there is space available in the school of their choice outside of their town. If the number of applicants exceeds the number of spaces available, a lottery is held. Priority is given to siblings of currently enrolled students at the school of choice, and to children of employees at the school.

The town elementary schools serve grades k-8 except for the Chilmark School, which only goes to the fifth grade. Chilmark is also the smallest school with an enrollment of 48 students in the 2015-16 school year. Aquinnah is the only town without its own elementary school. Oak Bluffs Elementary has the largest enrollment (431 students) and the student body grew by fifty students between 2015 and 2016, the largest increase among the Island's elementary schools. West Tisbury added thirty-one students, the second largest increase. The Martha's Vineyard

³⁴ Massachusetts Department of Elementary and Secondary Education. *School and District Profiles*. <http://profiles.doe.mass.edu/>. Accessed 9/8/16.

³⁵ Martha's Vineyard Commission. *Island Plan 2009*. February 2010.

Public Charter School also serves k-8 students and had 132 students enrolled in these grades in 2015-16.

Students have two options on the Island for high school, the Martha's Vineyard Regional High School and the Martha's Vineyard Public Charter School. For the 2015-16 school year, the high school had an enrollment of 655 and the charter school had an enrollment of thirty-two, for grades 9-12.

Chilmark School

Chilmark School is a K-5 school located in Chilmark. It is one of two schools that makes up the Up-Island Regional School District. Its enrollment is the smallest of all the island schools with forty-eight students enrolled in 2015-16. The school had an enrollment of sixty-two students in 2014-15. Students from Chilmark School enter the West Tisbury School in the sixth grade.

Chilmark School's student body is more white (85.7 percent) than the other Island schools and 25 percent more white than the state. Chilmark School has a higher rate of multi-race, non-Hispanic students (5.4 percent) than the state (3.1 percent). Native American students and Hispanic students both make up 1.8 percent of the school's enrollment.

At the Chilmark School kindergarten and first grade are combined, second and third grades are combined and fourth and fifth grades are combined. The multi-age classroom offers many benefits to the student as well as the school community. The multi-age approach has been an integral piece of the Chilmark School's philosophy since its inception. This environment embraces the differences in learning styles and embodies cooperation and support between learners. Instruction is customized to a student's learning speed, rather than the student being confined to a grade level based set of expectations. Students experience new roles in a multi-age classroom - transitioning from novice to mentor within each two-year cycle. This growth promotes confidence, self-esteem and helps to nurture strong classroom communities.

West Tisbury School

The West Tisbury School is a k-8 school located in West Tisbury. It is one of two schools that makes up the Up-Island Regional School District. Students from Chilmark School enter the West Tisbury School in the sixth grade. West Tisbury School had 329 students enrolled for the 2015-16 school year. This is an increase of thirty-one students over 2014-15.

West Tisbury School's racial composition is 85 percent white, a 23 percent increase over the state. The school has a lower rate of African American (3 percent) and Hispanic (4.4 percent) students when compared to the state but a higher rate of both Native American (2.3 percent) and multi-race, non-Hispanic (4.7 percent) students than the state.

Oak Bluffs Elementary

Oak Bluffs Elementary is a k-8 school which had a student enrollment of 431 for the 2015-16 school year. Enrollment at the Oak Bluffs' school increased by close to fifty students since the 2014-15 school year. Oak Bluffs Elementary has a smaller white student population (66.8 percent) than other Island schools and a higher percentage of Hispanic students than other schools (17.4 percent), which is close to the state proportion of Hispanic students.

Tisbury Elementary

Tisbury Elementary is a k-8 school with an enrollment of 325 students for the 2016-17 school year. Enrollment at the school has remained relatively static since 2012, with a net loss of just six students over that time. Twenty-three percent of students at Tisbury Elementary are Hispanic, 6 percent are multi-race, non-Hispanic and 3 percent are Native American. These are all higher than the state proportions in the same categories. The school has a smaller proportion of white students (64.7 percent) than other schools but is close to the state percentage (63.3 percent).

Edgartown School

The Edgartown School is a k-8 school that had 345 students enrolled in the 2015-16 school year. A new facility was built in 2003 to accommodate additional capacity of 550 students. There was a net increase of ten students between 2012 and 2016. Thirteen percent of students at the school are Hispanic, 5 percent are multi-race, non-Hispanic and 3 percent are Native American. The school has a higher proportion of white students (76.4 percent) than the state (63.3 percent).

Martha's Vineyard Regional High School (MVRHS)

MVRHS is the only high school on the Island and one of two schools that teaches grades 9-12. The Martha's Vineyard Regional High School has a 91 percent graduation rate, 6 percent higher than the state average, and a dropout rate of just 1 percent. The school has received the prestigious National Blue Ribbon School Award from the US Department of Education twice. The award recognizes schools "based on their overall academic excellence and their progress in closing achievement gaps among student sub-groups."³⁶

MVRHS enrolled 655 students in the 2015-2016 school year. This number represents a decrease in enrollment by thirty-two students over the previous year. The racial composition of the school more closely reflects the Island-wide population. As a regional school, racial distinctions within the town schools are less pronounced. However, multi-race, non-Hispanic students still make up a greater proportion in the school than they do at the state level. The MVRHS student body is almost 80 percent white and 2.4 percent Native American, and both are higher than the state proportions. Hispanic students make up 10 percent of the student body and African Americans 2.4 percent, both lower than state proportions.

Compared with the state, a smaller proportion of students at MVRHS are Economically Disadvantaged or have Limited English Proficiency, 16.9 percent and 2.8 percent respectively. However, 19.2 percent of MVRHS students receive Special Education compared to 16.9 percent at the state level.

Martha's Vineyard Public Charter School (MVPCS)

The idea for the creation of an alternative school on the Island was developed in 1993 by a group of Vineyard parents, teachers and community members. In 1995, the Martha's Vineyard Public Charter School was authorized by the state, and in 1996 the school opened its doors to students. The school is now a k-12 school with a total enrollment of 178 students. The school's enrollment has remained relatively steady since 2012 with a net loss of four students between 2012-2016. Students are chosen by lottery.

³⁶ US Department of Education: National Blue Ribbon Schools Program. <http://www2.ed.gov/programs/nclbbrs/index.html>. Accessed 9/8/16.

MVPCS has a higher percentage of African American students (7.1 percent) than other Island schools, which also approaches the state-wide proportion (8.6 percent). Almost 78 percent of students are white, higher than the state and 6.6 percent are multi-race, non-Hispanic, also higher than the state's proportions.

Regulatory Barriers

Aquinnah's zoning bylaw provides strong development limitations to protect the community's natural resources and scenic beauty including development rate and building permit limitations, large-lot (two-acre) zoning, and multiple overlay zoning districts focused on resource protection and preserving scenic beauty. However, the bylaw allows compact siting (cluster development) and has provisions for "homesite" lots for Aquinnah residents. In addition, at the May 2016 Town Meeting, Aquinnah adopted Accessory Apartment provisions to help create affordable apartments for households up to 120 percent AMI, two-family owner-occupied dwellings with one affordable unit for households up to 120 percent AMI, two-family rental with both units affordable to households up to 120 percent AMI.

Local homesite lot policies present Fair Housing considerations in that restricting these house lots to local residents may otherwise make them unavailable to protected classes. This type of policy can have a disparate impact (a policy that appears neutral can disadvantage protected classes and perpetuate segregation).³⁷ In addition, the definition of "family" presents Fair Housing considerations, as described below in greater detail.

OVERVIEW OF ZONING BYLAW FOR RESIDENTIAL USES³⁸

Residential Uses Permitted

Most of Aquinnah is zoned as a Rural-Residential District, which permits detached single-family dwelling on minimum two-acre lots. Other than the affordable provisions mentioned above, there are no provisions for attached single-family, two-family, or multi-family dwellings. However, section 3.302 allows compact siting by special permit with up to twenty units on lots of 5,000 s.f. minimum adjacent to open space that, together with the house lots, would equal the two-acre minimum for each dwelling. The remainder of the town is zoned as the Marine Commercial District, which does not permit residential uses.

Note that per the overlay districts, described below, all residential construction in Aquinnah requires a special permit.

Section 3.3-3 of the bylaw permits development of owner-occupied single-family units on one-acre lots by special permit as a "homesite lot," which is applicable only to Aquinnah residents who have lived in the community for a "substantial period" and "who, because of rising land

³⁷ The Fair Housing Act, which is the federal law governing housing discrimination, includes the following seven protected classes: race, color, religion, national origin, sex, disability, and familial status. Additionally, in Massachusetts, the Massachusetts Anti-Discrimination Act (MGL c.151B s.1) includes the following protected classes: race, religious creed, color, national origin, sex, gender identity, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age, genetic information, ancestry, or marital status of such person or persons or because such person is a veteran or member of the armed forces, or because such person is blind, or hearing impaired or has any other handicap.

prices, have been unable to obtain suitable land for their permanent homes at a reasonable price.” Such an individual must be qualified by the Aquinnah Affordable Housing Committee (AAHC) and by special permit from the Planning Board Plan Review Committee. The applicant must transfer ownership of the lot to the Dukes County Regional Housing Authority or another entity selected by the AAHC to lease the lot to the applicant. The lease must “ensure the perpetual affordability of the Homestead Lot” and provide the Town the option to acquire the lot in case of default, foreclosure, etc.

Definition of Family

The zoning bylaw provides the below definition for “family,” which presents Fair Housing considerations. Policies that require relations by blood/marriage and/or have a limit of unrelated adults in a household may be considered discriminatory if they have an adverse impact on a protected class including people with disabilities. For example, limiting the number of unrelated persons in a dwelling can impact group home uses, foster families, or other alternative household composition.

One or more persons related by blood, adoption or marriage, living together as a single, non-profit housekeeping unit, if no more than six persons unrelated by blood, adoption or marriage so living together shall be deemed a family.

Development Rate/Building Permit Limitation

Per Section 6.9-2 of the Aquinnah Zoning Bylaw, the total number of building permits issued each year for residential construction is limited as follows:

For each of the three years commencing on the first publication of notice of the Planning Board hearing, the Building Inspector shall issue no more than six (6) permits each year for new residential construction. Two additional permits may be issued each year to the Aquinnah Resident Homesite Recipients. Except for Resident Homesite Permits any permit not issued in any year will not carry over to the next year. These permits are not transferable, in whole or in part.

Zoning Applicable to Tribal Lands

Based on information provided by the Wampanoag Tribe of Gay Head’s planner, the development on the tribal lands is subject to the 1983 version of the Aquinnah Zoning Bylaw and the tribe must adhere to all town building and permitting requirements. In addition, the Tribe has a tribal land use ordinance and permitting process for most large-scale land altering activities that impact a certain size of land.

OVERLAY DISTRICTS

In addition to the Rate of Development District of Critical Planning Concern that limits the total number of building permits issued (described above), the following overlay districts also impact residential development in Aquinnah:

- **Town of Aquinnah District of Critical Planning Concern** – this overlay district covers the whole town except for the Indian Common Lands and requires a special permit for siting of buildings, structures, and additions, etc.
- **Island Road District, Special Ways Zone, and Special Places District** – requires special permits for changes to stonewalls, limits vehicular access, and limits height of structures.
- **Flood Plain Zone** – requires flood plain permits for new construction or substantial improvement to existing structures.

- **Coastal District** – does not permit construction within one hundred feet of wetlands, water bodies, beaches, dunes or the crest of bluffs over fifteen feet high; construction permitted within 200 feet with special permit.
- **Moshup Trail District of Critical Planning Concern** – limits parking areas and parking, requires a special permit for new construction to review siting, and restricts building materials.
- **Gay Head Cliff Area District of Critical Planning Concern** – requires a special permit for the siting of buildings, structures, and additions, etc.
- **The Wild and Scenic North Shore District of Critical Planning Concern** – a limited area extending one hundred feet seaward from the mean low water line that prohibits permanent structures unless municipal or commercial fishing, etc.

In addition, there is no development permitted within forty feet of places listed on the MVC's special places register.

2014 MVC ZONING ANALYSIS

Aquinnah has zoning provisions that permit certain subdivisions for community housing in addition to allowing remainder lots for the development of resident homesites/youth lots.

The 2014 MVC report identified Aquinnah's limitations on rental periods as a barrier to creating year-round rental units without an exception for affordable rental housing, as allowed by Chilmark. These limitations were eliminated at the 2016 Town Meeting.

To help implement the recommendation of this zoning analysis, the MVC is proposing that each town adopt uniform definitions in its zoning bylaw including the following key terms: affordable housing (up to 80 percent AMI) and community housing (81 to 150 percent AMI).

CHAPTER 7

IMPLEMENTATION CAPACITY & RESOURCES

Housing Organizations

The major housing providers on the Island offer substantial and growing capacity to address Island housing needs. These organizations and their niches are summarized below:

Aquinnah Wampanoag Tribal Housing Authority: The Aquinnah Wampanoag Tribal Housing Authority was created to provide safe, decent, sanitary, and affordable housing for tribal members and to recreate a Wampanoag community.

- Per the Massachusetts Subsidized Housing Inventory,³⁹ the Housing Authority currently provides thirty-three units of rental housing on tribal lands and receives its funding from the US Department of Housing and Urban Development grants.
- It is the intention of the Housing Authority to construct Elderly housing and Mutual Help housing upon the completion of the present Low Rent housing.
- The Tribal Housing Authority is using the Force Account Construction method that allows the Tribal Housing Authority to employ tribal members to train them in the construction trade.

Dukes County Regional Housing Authority (DCRHA)⁴⁰: DCRHA is unusual in that it provides services Island-wide as opposed to just one specific municipality. Also, unlike most housing authorities, which rely on state and federal housing funds, DCRHA has financed its projects locally, and through other types of subsidies.

- The Housing Authority manages seventy-seven year-round Rental Apartments across the island, which serve over 170 island residents who make less than 80 percent of the area median income.
- In addition, the Housing Authority administers town-funded Rental Assistance for seventy households in market rentals, monitors over forty-five apartments permitted through the West Tisbury Accessory Apartment By-law and maintains an Island-wide rental wait list. The Housing Authority partners with other organizations that aid with rent, utility and apartment rehabilitation costs to Island tenants and landlords.
- The Housing Authority maintains a database of those households interested in affordable home buying opportunities offered on Martha's Vineyard by towns, organizations or developers. Completion of the Homebuyer Clearinghouse Form allows the Housing Authority to contact households directly when specific opportunities become available.
- The Housing Authority further assists towns and developers by administering lotteries of homes and homesites, providing homebuyer education training to lottery participants and providing affordability monitoring services for deed restricted properties.
- The Housing Authority participates in advocacy and planning efforts in partnership with the Martha's Vineyard Commission, the County of Dukes County, the MA Department of

³⁹ Department of Housing and Community Development Chapter 40B Subsidized Housing Inventory, 6/22/2016.

⁴⁰ Dukes County Regional Housing Authority. <https://housingauthoritymarthasvineyard.org/>. Accessed 8/27/16.

Housing and Community Development, other agencies and non-profits as well as private individuals and groups at work on the Island's housing issues.

Island Elderly Housing (IEH)⁴¹: IEH focuses on senior rental housing and younger disabled individuals. With the availability of developable IEH property, the organization has expressed renewed interest in developing additional units for seniors.

- IEH provides 165 apartments for the low-income elderly and the disabled of the Vineyard. IEH has four campuses: Hillside Village and Love House in Vineyard Haven and Woodside Village and Aidylberg Village in Oak Bluffs. Woodside Village has ninety-five apartments, Hillside Village (fifty-five), Aidylberg Village (ten) and Love House (five).
- IEH receives funding from the Department of Housing and Urban Development (HUD) and the Department of Agriculture Rural Development (USDA). This funding is for housing only. The supportive services offered, such as transportation and community meals, depend on private donations.

Island Housing Trust (IHT):⁴² IHT was established as a Community Land Trust for the stewardship of land and the development of permanently affordable rental and ownership housing by holding long-term ground leases. Their model lowers the initial cost of homeownership by eliminating the land cost and a portion of the construction costs through grants and donations. IHT is also certified as a Community Development Corporation (CDC)⁴³ which provides the organization with a wider network of housing providers.

- Over the past nine years IHT has sold or rented over seventy homes and apartments to low and moderate-income families throughout Martha's Vineyard. The organization's goal is to double the annual rate of safe, stable year-round affordable homes available to island families from seventy to 180 by 2020, by working in partnership with island towns, other housing organizations, and individuals.
- IHT's designation as a CDC will allow it to move more aggressively into rental housing development if given the appropriate support.
- IHT created eleven affordable units in 2014, seven in 2015 and is expecting to create twenty-two in 2016-2017.

IHT's has partnered multiple times with the Martha's Vineyard Land Bank, including projects at Eliakims Way in West Tisbury, Takemmy Path in Tisbury, Kuehn's Way in Tisbury, and Beach Road Way in Aquinnah, to create conservation based affordable housing initiatives, and the DCRHA (Sepiessa and Halcyon Way in West Tisbury) and Town of West Tisbury (565 Edgartown Road & Bailey Park), Town of Tisbury (325 Lamberts Cove Rd, 129 Lake Street), Town of Aquinnah (Church Street, 20 State Road, 45 State Road), Town of Edgartown (22nd St), and the Town of Oak Bluffs (27 Sunset Ave) to create or preserve ownership and/or rental housing.

⁴¹ Island Elderly Housing. <http://www.iehmv.org/about-us/>. Accessed 8/27/16.

⁴² Island Housing Trust. <http://www.ihtmv.org/about/>. Accessed 8/27/16.

⁴³ Community development corporations (CDCs) are non-profit, community-based organizations that anchor capital locally through the development of residential and/or commercial property, ranging from affordable housing to shopping centers and businesses. While often neighborhood-based, CDCs can extend far beyond the bounds of a single community to cover an entire city, county, multi-county region or state.

In addition, the IHT has collaborated with private developers (Fisher Road, West Tisbury, North Summer Street, Edgartown) who have built and sold homes and transferred the land to the IHT to ground lease with restrictions to the homeowners.

IHT has secured funding from the FHLB Boston Affordable Housing Program (AHP) through member banks such as the Edgartown National Bank for rental and ownership projects as well as Low Income Housing Tax Credits (LIHTC), and competitive state grant funding programs for rental projects. IHT has secured and invested \$4.9 million in CPA funding in ownership (twenty-nine units) and rental (fifteen units) projects over the past eleven years. In addition, IHT has secured and invested approximately \$5.8 million in private donations in ownership (thirty-six units) and rental (fifteen rentals) over the past eleven years.

Habitat for Humanity of Martha's Vineyard: Habitat Martha's Vineyard's mission is to build simple, decent homeownership housing for families in the lowest qualifying income ranges. While the volume of development is very low, with only one or two units completed per year, each build is a community-building initiative that brings awareness and a spirit of good will to the issue of affordable housing.

The Martha's Vineyard Land Bank Commission⁴⁴: The Land Bank's principal mission is to protect land for conservation across the Island and since its inception in 1986 the Land Bank has preserved 3,100 acres for conservation. However, the Land Bank recognizes the Island's affordable housing need and has set forth policies to address the dual interests of preserving land and creating affordable housing. The Land Bank may cooperatively purchase land with a town or housing entity for preserving land and creating affordable housing. In addition, the following Land Bank policies support the development of housing:

- To encourage density in the Island's village centers, the Land Bank has made preserving land within village centers a secondary priority.
- The Land Bank requires that any land or building it acquires that may be used for affordable housing must have perpetual affordability attached, and the housing must be entirely affordable with no market rate units allowed.
- The Land Bank performs analysis prior to every land purchase to determine if the land could support affordable housing along its fringe and recommends that the seller sell that portion of the property to the Dukes County Regional Housing Authority or another suitable entity to be used for affordable housing.
- The Land Bank will allow the siting of septic and wells on its properties for the development of affordable housing when that development minimally impacts the integrity of the land.
- If buildings are present on a Land Bank acquisition, the organization may subdivide the property so the buildings can be used for affordable housing and managed by a housing entity, it may offer the buildings to be moved by a housing entity at no cost, and lastly, if the buildings will not serve the Land Bank or a housing entity, the Land Bank will offer the fixtures and components to a housing entity for removal and re-use.

The Resource, Inc. for Community and Economic Development (TRI): TRI is a non-profit, community development corporation founded in response to a consortium of town and private sector representatives who wished to more actively and innovatively impact housing and

⁴⁴ Martha's Vineyard Land Bank Commission. *Affordable Housing Policy*. October 27, 2009.

economic development in Southeastern Massachusetts, Cape Cod and the Islands. TRI has two offices, one of which is in Vineyard Haven.

Since its incorporation in 1994, TRI has secured funding for and successfully managed federal, state and local housing rehab and development projects for fifteen Massachusetts communities. TRI's research, design and implementation efforts have resulted in the award of more than \$20 million in housing rehabilitation funds for the completion of 500+ rehabilitation, repairs and renovations for eligible homeowners and community development initiatives. Most TRI's housing rehab experience has been in the successful completion of MA CDBG Small Cities Housing Rehab program management and delivery in communities located in Southeastern Massachusetts.

Collaboration

Many of these organizations, true to their own missions and capacity, have found it useful to collaborate, leading to a spirit of mutual support rather than competition. In addition, Habitat for Humanity, the Island Housing Trust and the Housing Authority are all located in the Vineyard Housing Office in Vineyard Haven. Examples of collaboration include:

- IHT has partnered with Habitat for Humanity on six houses, executing ground leases for 60 Andrews Road (Tisbury), 148-A Edgartown-Vineyard Haven Road (Oak Bluffs), 21 11th Street (Edgartown), and 45, 49 and 50 Bailey Park (West Tisbury).
- DCRHA has organized home-buyer trainings and has qualified all IHT's homebuyers.
- DCRHA serves as property manager for a rental property built and owned by IHT at Halcyon Way (West Tisbury), and will continue to enter into management contracts with IHT on their rental developments.
- DCRHA manages properties developed by other entities including the towns of Oak Bluffs and Chilmark, and The Resource, Inc.
- Joint fundraising efforts have been launched by IHT, DCRHA and HFHMV.

PARTNERSHIPS

In addition to the Island housing development and management entities described here, there are occasions when these organizations will require the increased capacity and experience of off-Island developers to undertake larger-scale projects. This is particularly true when multiple layers of financing are required in larger development projects.

The Community Builders (TCB): TCB is an example of an off-Island developer that partnered with the town of Edgartown in the development of housing at Pennywise Path, now called Morgan Woods. TCB is a nationally-recognized organization with offices in the Boston, the mid-Atlantic and mid-west. The organization continues to own and manage the Morgan Woods project.

Community Preservation Act Funds

Aquinnah adopted the Community Preservation Act (CPA) per MGL s.44B to collect revenues through a local property tax surcharge and variable annual state Community Preservation Trust Fund distribution. CPA funds must be spent or set aside for future spending to preserve open

space and historic resources, create and preserve affordable housing, and to develop or improve outdoor recreational facilities.

Aquinnah adopted CPA in 2001 with the maximum local property tax surcharge of three percent. In addition, Aquinnah adopted an exemption on the first \$100,000 of residential property value.

Aquinnah has raised \$1,782,722 of CPA revenue since adoption through FY2016 (including the local property tax surcharge and the state Community Preservation Trust Fund distributions). The CPA statute requires that at least 10 percent of total revenue be spent or set aside for future spending for creation, preservation, or support of community housing (defined as housing affordable to households at or below the area median income).

Some housing initiatives that Aquinnah CPA funds have supported include the following:

- Preserve existing affordable housing at the Old Parsonage Building through restoration and repairs
- Created six permanent affordable housing units
- Supported the Island-wide Rental Assistance Program

Aquinnah Housing Committee

Aquinnah has a five-member housing committee that works closely with the Island Housing Trust (IHT) and Regional Housing Authority (DCRHA). Over the last ten years, the focus of the committee has been to develop homeownership opportunities on Town-owned surplus properties through its “Resident Homesite” program, as well as to create zoning bylaws to facilitate the creation of affordable housing within the local private sector (i.e. accessory apartments as an adjunct to principal residences and deed restricted “homesteads” as a way of utilizing undersized lots). More recently the Housing Committee has utilized CPA funds to purchase land for ownership housing, and is currently in the initial stages of developing rental duplexes in Town. The AHC has also worked cooperatively with the MV Land Bank to strategically conserve unbuildable portions of housing properties, thereby subsidizing the housing efforts on the buildable portions. All properties that the Housing Committee works with are protected as permanently affordable, either via deed restriction or via IHT ownership of the property under the house or apartment. Since its creation in 1998, the AHC has enjoyed strong support from the Board of Selectmen and the public, which has made all the difference in accomplishing their goal of sustaining and supporting the year-round community, including both Tribal members and non-members.

APPENDIX A

DHCD AFFIRMATIVE FAIR HOUSING MARKETING GUIDELINES

The Commonwealth of Massachusetts has a compelling interest in creating fair and open access to affordable housing and promoting compliance with state and federal civil rights obligations. Therefore, all housing with state subsidy or housing for inclusion on the SHI shall have an Affirmative Fair Housing Marketing Plan. To that end, DHCD has prepared and published comprehensive guidelines that all agencies follow in resident selection for affordable housing units.

In particular, the local preference allowable categories are specified:

- *Current Residents.* A household in which one or more members is living in the city or town at the time of application. Documentation of residency should be provided, such as rent receipts, utility bills, street listing, or voter registration listing.
- *Municipal Employees.* Employees of the municipality, such as teachers, janitors, firefighters, police officers, librarians, or town hall employees.
- *Employees of Local Businesses.* Employees of businesses located in the municipality.
- *Households with Children.* Households with children attending the locality's schools.

These were revised on June 25, 2008, removing the formerly listed allowable preference category, "Family of Current Residents."

The full guidelines can be found here: <http://www.mass.gov/hed/docs/dhcd/hd/fair/afhmp.pdf>.

APPENDIX B

INTERAGENCY BEDROOM MIX POLICY

INTERAGENCY AGREEMENT

Regarding Housing Opportunities for Families with Children

This Interagency Agreement (this "Agreement") is entered into as of the 17th day of January, 2014 by and between the Commonwealth of Massachusetts, acting by and through its Department of Housing and Community Development ("DHCD"), the Massachusetts Housing Partnership Fund Board ("MHP"), the Massachusetts Housing Finance Agency (in its own right and in its capacity as Project Administrator designated by DHCD under the Guidelines for Housing Programs in Which Funding is Provided By Other Than a State Agency, "MassHousing"), the Massachusetts Development Finance Agency ("MassDevelopment") and the Community Economic Development Assistance Corporation ("CEDAC"). DHCD, MHP, MassHousing, MassDevelopment and CEDAC are each referred to herein as a "State Housing Agency" and collectively as the "State Housing Agencies".

Background

A. DHCD's 2013 Analysis of Impediments to Fair Housing Choice ("AI") includes action steps to improve housing opportunities for families, including families with children, the latter being a protected class pursuant to fair housing laws, including the federal Fair Housing Act, as amended (42 U.S.C. §§ 3601 *et seq.*) and Massachusetts General Laws Chapter 151B. In order to respond to development patterns in the Commonwealth that disparately impact and limit housing options for families with children, such steps include requiring a diversity of bedroom sizes in Affordable Production Developments that are not age-restricted and that are funded, assisted or approved by the State Housing Agencies to ensure that families with children are adequately served.

B. The State Housing Agencies have agreed to conduct their activities in accordance with the action steps set forth in the AI.

C. This Agreement sets forth certain agreements and commitments among the State Housing Agencies with respect to this effort.

Definitions

1) "Affordable" - For the purposes of this Agreement, the term "Affordable" shall mean that the development will have units that meet the eligibility requirements for inclusion on the Subsidized Housing Inventory ("SHI").

2) "Production Development" - For purposes of this Agreement "Production Development" is defined as new construction or adaptive reuse of a non-residential building and shall include rehabilitation projects if the property has been vacant for two (2) or more years or if the property has been condemned or made uninhabitable by fire or other casualty.



Agreements

NOW, THEREFORE, DHCD, MHP, MassHousing, MassDevelopment and CEDAC agree as follows:

Bedroom Mix Policy

- 1) Consistent with the AI, it is the intention of the State Housing Agencies that at least ten percent (10%) of the units in Affordable Production Developments funded, assisted or approved by a State Housing Agency shall have three (3) or more bedrooms except as provided herein. To the extent practicable, the three bedroom or larger units shall be distributed proportionately among affordable and market rate units.
- 2) The Bedroom Mix Policy shall be applied by the State Housing Agency that imposes the affordability restriction that complies with the requirements of the SHI.
- 3) The Bedroom Mix Policy shall not apply to Affordable Production Developments for age-restricted housing, assisted living, supportive housing for individuals, single room occupancy or other developments in which the policy is not appropriate for the intended residents. In addition, the Bedroom Mix Policy shall not apply to a Production Development where such units:
 - (i) are in a location where there is insufficient market demand for such units, as determined in the reasonable discretion of the applicable State Housing Agency; or
 - (ii) will render a development infeasible, as determined in the reasonable discretion of the applicable State Housing Agency.
- 4) Additionally, a State Housing Agency shall have the discretion to waive this policy (a) for small projects that have less than ten (10) units and (b) in limited instances when, in the applicable State Housing Agency's judgment, specific factors applicable to a project and considered in view of the regional need for family housing, make a waiver reasonable.
- 5) The Bedroom Mix Policy shall be applicable to all Production Developments provided a Subsidy as defined under 760 CMR 56.02 or otherwise subsidized, financed and/or overseen by a State Housing Agency under the M.G.L. Chapter 40B comprehensive permit rules for which a Chapter 40B Project Eligibility letter is issued on or after March 1, 2014. The policy shall be applicable to all other Affordable Production Developments funded, assisted, or approved by a State Housing Agency on or after May 1, 2014.



APPENDIX C

COMPREHENSIVE PERMIT DENIAL & APPEAL PROCEDURES

(a) If a Board considers that, in connection with an Application, a denial of the permit or the imposition of conditions or requirements would be consistent with local needs on the grounds that the Statutory Minima defined at 760 CMR 56.03(3)(b or c) have been satisfied or that one or more of the grounds set forth in 760 CMR 56.03(1) have been met, it must do so according to the following procedures. Within 15 days of the opening of the local hearing for the Comprehensive Permit, the Board shall provide written notice to the Applicant, with a copy to the Department, that it considers that a denial of the permit or the imposition of conditions or requirements would be consistent with local needs, the grounds that it believes have been met, and the factual basis for that position, including any necessary supportive documentation. If the Applicant wishes to challenge the Board's assertion, it must do so by providing written notice to the Department, with a copy to the Board, within 15 days of its receipt of the Board's notice, including any documentation to support its position. The Department shall thereupon review the materials provided by both parties and issue a decision within 30 days of its receipt of all materials. The Board shall have the burden of proving satisfaction of the grounds for asserting that a denial or approval with conditions would be consistent with local needs, provided, however, that any failure of the Department to issue a timely decision shall be deemed a determination in favor of the municipality. This procedure shall toll the requirement to terminate the hearing within 180 days.

(b) For purposes of this subsection 760 CMR 56.03(8), the total number of SHI Eligible Housing units in a municipality as of the date of a Project's application shall be deemed to include those in any prior Project for which a Comprehensive Permit had been issued by the Board or by the Committee, and which was at the time of the application for the second Project subject to legal appeal by a party other than the Board, subject however to the time limit for counting such units set forth at 760 CMR 56.03(2)(c).

(c) If either the Board or the Applicant wishes to appeal a decision issued by the Department pursuant to 760 CMR 56.03(8)(a), including one resulting from failure of the Department to issue a timely decision, that party shall file an interlocutory appeal with the Committee on an expedited basis, pursuant to 760 CMR 56.05(9)(c) and 56.06(7)(e)(11), within 20 days of its receipt of the decision, with a copy to the other party and to the Department. The Board's hearing of the Project shall thereupon be stayed until the conclusion of the appeal, at which time the Board's hearing shall proceed in accordance with 760 CMR 56.05. Any appeal to the courts of the Committee's ruling shall not be taken until after the Board has completed its hearing and the Committee has rendered a decision on any subsequent appeal.

Source: DHCD Comprehensive Permit Regulations, 760 CMR 56.03(8).

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