

TOWN OF EDGARTOWN

HOUSING PRODUCTION PLAN FY2018-2022

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VINEYARD COMMISSION AND THE
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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. This HPP establishes a strategic plan for production of affordable housing that is based upon a comprehensive Island-wide housing needs assessment, prepared in 2013, and provides a detailed analysis of development constraints due to infrastructure capacity, environmental constraints, protected open space, and regulatory barriers.

This HPP has been prepared in accordance with the Massachusetts Department of Housing and Community Development (DHCD) requirements. The HPP describes how the town plans to create and preserve affordable housing.

When an HPP is certified by DHCD, then a denial of a Comprehensive Permit will be upheld if such application is not consistent with local needs. The town would need to produce ten units that count on the state's Subsidized Housing Inventory for a one-year certificate or twenty units for a two-year certificate.¹

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 4.5 percent of Aquinnah's total year-round housing units.²

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 Edgartown's housing vision and five-year goals, as identified through the planning process associated with development of this plan.
3. Chapter 3 describes Edgartown'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 Edgartown's development constraints and limitations including environmental constraints, infrastructure capacity, and regulatory barriers.

¹ Department of Housing and Community Development. Spreadsheet of 0.5% and 1.0% Thresholds for Each Community Based on 2010 Census Information. 2010.

² Department of Housing and Community Development. *Chapter 40B Subsidized Housing Inventory*. December 5, 2014.

7. Chapter 7 describes local and regional capacity and resources to create and preserve affordable housing in Edgartown.

Community Overview³

Located on Martha's Vineyard, Edgartown is bordered by Oak Bluffs and Nantucket Sound on the north, Katama Bay on the east, the Atlantic Ocean on the south, and West Tisbury on the west. Edgartown is separated from Chappaquiddick Island by Katama Bay.

Edgartown was Martha's Vineyard's first colonial settlement and has been the county seat since 1642. The stately Greek Revival houses built by the whaling captains have been carefully maintained and make the town a seaport village preserved from the early 19th century. Main Street views include the harbor and waterfront and although the tall square-riggers that sailed all the world's oceans have passed from the scene, the heritage of these vessels and their captains remains. For the past hundred years, Edgartown has been one of the world's great yachting centers. The town is also known for its architecture with many buildings that pre-date the whaling era and still serve as family homes. Among the oldest buildings are the Vincent House, built in 1672, the Thomas Cooke House, now a museum, and the offices of the Vineyard Gazette. The Old Whaling Church was converted to a performing arts center. Public beaches offer surf bathing and bluefish and bass fishing. On Felix Neck, about three miles outside the center of town, 200 acres owned by the Massachusetts Audubon Society provide marked trails and a program of wildlife management and conservation education.

Planning Methodology

DATA SOURCES

The U.S. Census Bureau's Decennial Censuses of 2000 and 2010 and the 20010-2014 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 Edgartown.

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

Town of Edgartown. *Edgartown Open Space and Recreation Plan*. 2001.
Commonwealth of Massachusetts: Division of Fisheries and Wildlife. *BioMap2; Conserving the Biodiversity of Massachusetts in a Changing World*. 2012.

³ The community overview is excerpted from the MA Department of Housing Community Development (DHCD) Community Profile.

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 Edgartown, these workshops were held in the Harbor View Hotel on September 20, November 15, and December 13, 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 Edgartown 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 Edgartown and ideas for the future of housing in their community: more diverse housing types, housing for seasonal workers, and year-round rentals.

Workshop participants emphasized their vision for more diverse housing types in Edgartown, such as cohousing, townhouses, guest houses, tiny houses, multi-unit, and duplexes. More diverse housing would help to attract and retain workers, young families, as well as seniors. These housing types should be attractive and have a mix of affordable year-round rental and ownership. Seasonal workers require housing as well and should have dormitory housing. In addition, more year-round rentals would reduce housing insecurity and limit the seasonal shuffle.

Workshop 2: November 2016

The purpose of the second of three community workshops in Edgartown was to solicit participants' feedback on the draft housing visions for Edgartown and Island-wide, to introduce the concept of HPP goals and strategies, to discuss the draft goals for Edgartown 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 Edgartown and Island-wide. Working in small groups, participants assessed the draft housing goals for both Edgartown 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 Edgartown was to solicit participants' feedback on the draft implementation strategies to encourage the creation of affordable housing in Edgartown and throughout Martha's Vineyard in the next five years. Additionally, participants were also asked to consider specific sites/areas in Edgartown 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 Edgartown's priority housing needs. This understanding of current and future housing needs lays the groundwork for the community's housing vision, goals, and strategies.

Edgartown has 4.5 percent of its year-round housing stock counted on the SHI towards the state's MGL c.40B goal of 10 percent of year-round units as affordable, with eighty-nine units listed on the SHI. In addition, there are forty-two affordable units that are not listed on the SHI: four units that are only temporarily affordable due to home rehabilitation funds and thirty-two are ownership housing units affordable to households above 80 percent AMI.⁴ In addition, Edgartown has twenty-seven households with rental assistance vouchers.⁵

Edgartown has unmet local housing needs that are not served with the existing affordable and community housing units. Close to one third of year-round households in Edgartown have income at or below 80 percent of the area median income (AMI) and about 245 - more than half - of these year-round households are severely housing cost burdened (spending more than 50 percent of their total gross income on housing.)

Edgartown's year-round population is expected to grow about 2 percent between 2010 and 2035 and have a marked growth in the older adult population. This indicates a need for more housing options to meet the needs of older adults including alternatives that are smaller, accessible, and have minimal maintenance needs.

⁴ An additional six ownership units in Edgartown 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 affirmatively and fairly marketed and resident selection requirements.

⁵ Source for non-SHI affordable unit and rental voucher data: Island Housing Trust, provided to author June-July 2016.

The income needed to afford the 2016 median single-family house sales price in Edgartown (\$885,000) is about \$210,000, while the median household income for year-round residents in Edgartown is an estimated \$56,911.

Edgartown's primary housing needs are more year-round rental housing units at all market levels including affordable, especially for households with up to 50 percent of the area median income; more diverse housing options including multi-family, service-enriched, and more housing options for seasonal employees; and housing rehabilitation funds for homeowners with less than 80 percent of the area median income.

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 Edgartown while recognizing and supporting the town's ability to achieve other interrelated community goals, including goals for protection of historic and natural resources as well as strengthening the local economy. 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.

Edgartown's Housing Vision

Edgartown community members envision that in 2027 the community will still be known for its friendly charm, quaint shops, beautiful historic homes, and water views. A diversity of new housing types through reuse of existing buildings and new development will provide more choice for families, young Islanders returning home, year-round and seasonal workers, and seniors. Increased tax revenue earmarked for affordable housing will enable the creation of additional rental and ownership units for low/moderate-income and middle-income residents. While new development and the adaptive-reuse of existing buildings to year-round housing units will gently increase the town's density, the unique feel of this historic town will continue to shine.

Edgartown's housing stock will provide more year-round housing choice than it does now including cohousing, townhouses, duplexes, affordable guest houses and accessory apartments, expanded senior-living options, tiny/micro house communities, condominiums, and multi-family apartments. These diverse and more-affordable housing options will help retain year-round workers and young families, including moderate-income households, and will provide options for seniors to stay in the community as they age. In addition, the development of a senior-living facility that provides independent and assisted living options, especially smaller-scale options that fit well into the existing fabric of the community, will be a welcome addition to the community's housing choice to support an aging population.

New residential development will have a mix of affordable year-round rental and ownership housing and will be attractively designed with sensitivity to the historic, small-town character of the community. The community will work together to help encourage these developments on appropriate larger properties, smaller infill properties, and conversion of existing buildings primarily through zoning updates, tax incentives, and expanded local/regional funding sources.

In addition, employers will provide temporary homes in dormitory/barrack-style for seasonal workers which will free more of the existing housing stock for year-round rental occupancy and help to reduce housing insecurity, limit the seasonal shuffle, and strengthen the community's economic and social health.

Edgartown's Housing Goals

GOAL 1: HOUSING OPTIONS

Increase the diversity of new year-round housing types, including affordable year-round rental and ownership housing in a variety of sizes, including cohousing, townhouses, duplexes, guest houses, congregate living, tiny/micro house communities, condominiums, and multi-family apartments.

GOAL 2: HOUSEHOLD TYPES

Expand housing choice to support a variety of household types including young families, young Islanders returning home, year-round low/moderate and middle-income households, seasonal workers, seniors, people with disabilities, as well as extremely low-income households including individuals and families experiencing or at risk of homelessness. These new housing options should provide options for seniors to stay in the community as they age and should include the development of a senior-living facility that provides independent and assisted living options as well as multi-generational housing.

GOAL 3: ECONOMIC VITALITY

Foster partnerships for the creation of seasonal employee housing to help provide more year-round housing choices in the existing housing stock and strengthen the community's economic and social health. Seasonal employee housing would be funded by employers and utilized off-season for other purposes, such as an emergency homeless shelter. Also, encourage top-of-shop housing in the historic downtown area to help revitalize downtown and create a year-round vibrancy.

GOAL 4: COMMUNITY CHARACTER AND SMART GROWTH

Ensure that new development is attractively designed with sensitivity to the historic, small-town character of the community and encourage reuse of existing buildings to create year-round housing as well as new development in appropriate locations such as larger properties or smaller infill properties.

GOAL 5: RESOURCES & CAPACITY

Expand local and regional funding sources to help support creation of affordable housing.

GOAL 6: NUMERICAL PRODUCTION

Support the creation of at least sixty low/moderate income (LMI) units over five years that will count on the Subsidized Housing Inventory, particularly rental units affordable to households with extremely low- and very low-income. Developments should be a combination of units created through adaptive-reuse of existing buildings, such as hotels, as well as new construction. Developments are envisioned to have thirty LMI units or more to help enhance feasibility and developer interest. This rate of LMI housing production (a mathematical average of twelve LMI housing units per year) would support the town reaching 10 percent by 2026.

In addition, support creation of at least thirty-two ownership units over five years that are affordable to households between 80-100 percent of the area median.

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. Increase allocations of local Community Preservation Act funds to create affordable housing
2. Solicit private funding and land donations for development of affordable and/or mixed-income housing
3. Allocate funds for wastewater infrastructure to support creation of affordable housing
4. Offer municipal property at little or no cost for development of affordable and/or mixed-income housing
5. Implement a public awareness campaign to increase awareness of affordable housing needs and benefits

Island-wide Initiative Strategies

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

Local Regulatory Strategies

11. Ease the requirements for accessory apartments
12. Make the Affordable Homesites provision a more flexible tool for creating affordable housing
13. Zone for multifamily housing
14. Specifically provide for – and make it easy to create – upper-story units in the B-I district
15. Consider flexible development zoning
16. Adopt visitability design standards

	Goal 1: Housing Options	Goal 2: Household Types	Goal 3: Economic Vitality	Goal 4: Community Character and Smart Growth	Goal 5: Resources and Capacity	Goal 6: Numerical Production
Strategy 1: Increase allocations of local Community Preservation Act funds to create affordable housing	⊖	⊖		⊖	⊖	⊖
Strategy 2: Solicit private funding and land donations for development of affordable and/or mixed-income housing	⊖	⊖		⊖	⊖	⊖
Strategy 3: Allocate funds for wastewater infrastructure to support creation of affordable housing	⊖	⊖		⊖	⊖	⊖
Strategy 4: Offer municipal property at little or no cost for development of affordable and/or mixed-income housing	⊖	⊖		⊖	⊖	⊖
Strategy 5: Implement a public awareness campaign to increase awareness of affordable housing needs and benefits					⊖	
Strategy 6: Advocate for adoption of special legislation to increase the existing real estate transfer fee by 0.5 percent to promote creation of affordable housing					⊖	
Strategy 7: Advocate for adoption of special legislation to create a seasonal rentals excise					⊖	
Strategy 8: Advocate for adoption of property tax incentives to encourage affordable year-round rental of units to households with up to 80 percent AMI	⊖			⊖		⊖
Strategy 9: Support creation of an Island Seasonal Housing Task Force and its initiatives	⊖	⊖	⊖		⊖	
Strategy 10: Explore creation of an Island-wide or sub-regional housing trust					⊖	
Strategy 11: Ease the requirements for accessory apartments	⊖	⊖		⊖		
Strategy 12: Make the Affordable Homesites provision a more flexible tool for creating affordable housing	⊖	⊖		⊖		⊖
Strategy 13: Zone for multifamily housing	⊖	⊖		⊖		
Strategy 14: Specifically provide for - and make it easy to create - upper-story units in the B-1 district	⊖	⊖	⊖	⊖		
Strategy 15: Consider flexible development zoning	⊖	⊖		⊖		⊖
Strategy 16: 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. INCREASE ALLOCATIONS OF LOCAL COMMUNITY PRESERVATION ACT FUNDS TO CREATE AFFORDABLE HOUSING

Edgartown workshop participants in December indicated strong support for this strategy idea both in the small group discussions as well as through the dot voting exercise. One group remarked that this strategy “should be pursued as first highest priority for the resources/revenue category.” Groups indicated that the Community Preservation Committee (CPC) should consider establishing a target allocation of 30 to 50 percent of Community Preservation Act funds for housing.

According to the Community Preservation Coalition CPA online database,⁶ about 17 percent of Edgartown’s total Community Preservation Act (CPA) revenue collected since adoption (2005) has been allocated for community housing initiatives. However, it should be recognized that Edgartown has also utilized other funding sources in recent years to support housing initiatives, including the revenue generated from The Fields Project of roughly \$1.7M, which was allocated to a buy-down program creating five affordable ownership units.

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 Community Preservation Committee (CPC) recommendations. In Edgartown, 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 Edgartown was 100 percent FY2007-2008 and 26.32 percent in FY2017. Total revenue in FY2016 was \$970,928 and has ranged year to year from \$486,253 to \$1,087,299 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

⁶ *Statewide CPA Statistics* go to “Expenditures on CPA Projects” then “Summary of CPA Expenditures by Project Category” at www.communitypreservation.org “About CPA” tab.

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 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. Some CPC's, including Eastham, Provincetown, and Somerville, have established target allocations ranging from 40 to 60 percent as CPC policy to help guide CPC's recommendations to the local legislative body.

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 5 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 wastewater infrastructure to support affordable housing development. 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.

2. SOLICIT PRIVATE FUNDING AND LAND DONATIONS FOR DEVELOPMENT OF AFFORDABLE AND/OR MIXED-INCOME HOUSING

At the December workshop, participants largely supported the idea of actively seeking private property donations for housing development as well as private funding donations. One group commented that the town could “approach more foundations and [encourage] charitable giving” and thought that private funding donations could be sought to support specific housing projects.

Private property owners have donated land for open space as well as affordable housing on the Island. Actively seeking such donations, working with the Martha's Vineyard Land Bank, Island Affordable Housing Trust, as well as directly with property owners through the local housing trust or affordable housing committee could result in donations of property for development or conversion of existing buildings to affordable housing.

One possibility is to encourage private property owners to utilize the new Donation Tax Credit. As part of the Act Relative to Job Creation and Workforce Development (H.4569), the state created a Donation Tax Credit that provide a credit against Massachusetts income tax liability for property owners who donate existing housing properties or other structures for the conversion of housing to qualified non-profits that commit to long-term affordability. The credit is worth 50 percent of the donated value.

In addition, the town could explore working directly with the Martha's Vineyard Land Bank to negotiate donated private property for development of affordable housing and land conservation. Perhaps there could even be opportunities for in-town properties that could serve as pocket parks, community gardens, or other appropriate open space amenities as well as for affordable housing (either new construction or conversion of existing buildings).

According to the Land Bank's 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 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/Housing Trust 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.
- Also, Affordable Housing Committee/Housing Trust to develop inventory of private properties that may pose potential for conversion and benefit from the Donation Tax Credit.
- Committee to reach out to owners of potential properties for conversion (as permitted per MGL c.30B) and 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 Affordable Housing Committee on the Land Bank Town Advisory Board

3. ALLOCATE FUNDS FOR WASTEWATER INFRASTRUCTURE TO SUPPORT CREATION OF AFFORDABLE HOUSING

One of the primary development constraints on the Island is limited wastewater treatment infrastructure. Five sewer plants on the Island treat less than 10 percent of the Island's properties. Edgartown's wastewater infrastructure serves the downtown area and a few small scattered areas. The facility serves approximately 900 commercial and residential properties and has capacity to serve more properties. The Airport has a wastewater system administered by the county. It has capacity that perhaps could be tapped into to support development nearby.

The December workshop participants supported this strategy to allocate funding to connect nearby properties to Town and Airport sewer to support development of affordable housing. An important local resource to support infrastructure for affordable housing is CPA funding, which is eligible to support infrastructure needs for creation of CPA-eligible affordable housing.

In addition, the town should further investigate funding sources to help property owners improve existing on-site wastewater treatment systems (note - would not directly support creation of affordable housing, but could help mitigate environmental constraints). Some possibilities for further investigation include the following:

- Community Septic Management Program (MA Energy and Environmental Affairs)
- EPA's Clean Water State Revolving Fund
- Water and Waste Disposal Loan Guarantees, US Dept. of Agriculture

Implementation Milestones:

- In conjunction with Strategy #4, below, strategically allocate CPA funds to tie key town properties to sewer to support housing development.
- Investigate funding sources to help property owners improve existing on-site wastewater treatment.

4. 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 Edgartown and discussed which properties should be investigated further for possible development of affordable or mixed-income housing. As Edgartown has done in the past to support affordable housing development, including at Morgan Woods, offering low/no cost land for development can provide a significant subsidy to help make an affordable housing development feasible.

The town could explore offering available town-owned properties for development of affordable rental and/or ownership units. Such developments could consist of 100 percent of 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 for housing development with enough density to support feasibility would likely be through a comprehensive permit under MGL c. 40B, since existing zoning requirements are more limited.

As the property owner, offering public land for affordable housing development provides the town with a high level of control over the ultimate development. To implement this strategy, the town would issue a Request for Proposals for the disposition of municipal property (per MGL c.30B) that specifies a minimum number (or percentage) of units that should be affordable. This minimum should be established by testing the feasibility – estimate how the affordable unit minimum may impact project feasibility and the need for public subsidies and anticipate enough density to support project feasibility. Funding programs typically have a maximum award per unit and this will affect the feasibility of the project. Funding programs could include local Community Preservation Act funds.

The town may sell or retain the property under town ownership and lease it to a developer through a long-term ground lease. The developer builds, owns, and manages 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 strong assurances for long-term affordability of the units. There is precedent for this type of ground lease on the Island – the Island Housing Trust has such an arrangement on one or more properties (including Jenney Way in Edgartown). In addition, it can help reduce acquisition costs since the developer would only be acquiring a ground lease rather than full ownership of the property.

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 as a result of participant feedback at the third community workshop. In addition, the consultant team conducted a preliminary analysis of environmental constraints and observations from site visits with town staff, 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 Potential Sites for Affordable Housing Map and are carried over from the map used at the third workshop (minus the more severely environmentally constrained sites or sites that wouldn't provide useful development area).

Site #6

Parcel ID 11B_244.1, +/-5.1 acres

Parcel ID 11B_244.2, +/-1 acre

This site is made up of two adjacent wooded parcels totaling about six acres that are adjacent to the affordable housing development Morgan Woods. The five-acre parcel straddles Morgan Way at the terminus of 12th Street, which is an access to Morgan Woods. Based on Mass GIS data, this site has no wetlands or reported contamination and is not located in a DEP Zone II for drinking water protection or in an impaired watershed. Participants noted that this site is located near existing residential density, near public transportation with bus service on Edgartown-Vineyard Haven Road, and adjacent to existing sewer infrastructure at Morgan Woods, making potential tie-in more feasible.

Site #9, Parcel ID 21_128, +/-16 acres

This parcel has frontage on Edgartown-Vineyard Haven Road and Holly Bear Lane. Based on Mass GIS data, this site has no wetlands or reported contamination and is not located in a DEP Zone II for drinking water protection or in an impaired watershed. Participants noted that this site is located near existing residential density and near public transportation with bus service on Edgartown-Vineyard Haven Road.

Site #10, Parcel ID 37_45, +/-75 acres

This large parcel with frontage on Meeting House Way has extensive shoreline on Edgartown Great Pond. Participants at the December workshop noted that the possibility of developing a smaller area on the north side of the property (near Meeting House Way) and preserving the remainder of the property as conservation land should be investigated. Based on Mass GIS data, the parcel is not in a DEP Zone II for drinking water protection nor does it have reported contaminants, but about 6 percent of this parcel is wetlands. While this parcel is in the Edgartown Great Pond watershed, which is categorized as compromised, water quality has

improved with regularly scheduled pond openings, dredging, and oyster population restoration. In addition, Edgartown extended sewers to serve an additional 300 homes.⁷

Site #14, Parcel ID 28_225, +/- 9 acres

This property, off of Meshacket Road, has been the subject of ongoing efforts by the town, through the Affordable Housing Committee, to facilitate affordable housing development. The property was transferred to the Affordable Housing Committee in 2012. The Committee, recognizing the need for affordable rental housing, was evaluating plans for a thirty-unit apartment complex in 2014. The Committee continues to evaluate plans and conduct due diligence for the site. The Committee has worked with the Martha's Vineyard Commission to conduct a traffic count on Meshacket Road, hopes to have a more in-depth environmental study conducted, and is also planning to conduct an archaeological study. This parcel is also in the Edgartown Great Pond watershed, which is categorized as compromised, however water quality has improved with regularly scheduled pond openings, dredging, and oyster population restoration. In addition, Edgartown extended sewers to serve an additional 300 homes. Based on Mass GIS data, the parcel appears to have no wetlands or reported contamination and is not in a DEP Zone II water protection district.

Implementation Milestones:

- Continue to pursue development alternatives for Site #14 at Meshacket Road.
- 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 engagement component to share results and solicit further community feedback to identify short list of priority properties.
- With short list of priority properties, as identified through the preliminary feasibility studies, fund a 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.⁸
- 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. Or, alternatively, seek town meeting approval to transfer property to the Municipal Affordable Housing Trust.
- 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

⁷ Source: Martha's Vineyard Commission, *Coastal Ponds*, <http://mvcommission.actwin.com/planning/ponds.html>, accessed 1/7/17.

⁸ 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.

would require a Comprehensive Permit per MGL c.40B. Select most responsive development proposal.

5. IMPLEMENT A PUBLIC AWARENESS CAMPAIGN TO INCREASE AWARENESS OF AFFORDABLE HOUSING NEEDS AND BENEFITS

At the December workshop, one group offered the idea to implement a local public awareness campaign and participants confirmed this as a priority strategy through the dot voting exercise. Such a public awareness campaign would aim to build and maintain support for as well as respond to opposition to affordable housing initiatives. Towards that end, the town would clearly articulate the unmet housing needs and demand for new housing outlined in this plan to public and private partners and, more broadly, to the general public. Issues related to the preservation of Edgartown's character, housing density and design, and other real or perceived impacts of housing production must be recognized and addressed. The town should consult the many publications exploring a variety of concerns and debunking myths related to multifamily housing development and density. The Massachusetts Toolbox provides clear steps to gaining support and addressing fears of new development, specifically around affordable housing initiatives, including strategies for community engagement and dispelling misperceptions:

www.housingpolicy.org/toolbox.

Edgartown has been active in promoting local housing initiatives - The town should continue to raise public awareness about these initiatives and celebrate milestones for future housing initiatives. Creating an informed public will help build support for the other strategies laid out in this plan.

Implementation Milestones:

- Distribute relevant information via the town's website, local news outlets, and by working with community partners including the Martha's Vineyard Commission.
- Hold an annual housing forum to discuss progress towards housing goals and celebrate successes.
- Consider creating a "Yes in My Backyard" affordable housing online toolkit to promote understanding of the benefits of affordable housing to communities, including items like fact sheets, presentations, and downloadable exercises for neighborhood groups.

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.

6. ADVOCATE FOR ADOPTION OF A HOUSING BANK THROUGH SPECIAL LEGISLATION TO INCREASE THE EXISTING REAL ESTATE TRANSFER FEE BY 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 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 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 modeled 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.

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

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

7. 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.

8. 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 rental units if rented year-round to low-income households. In Provincetown, according to information provided by the town's community housing specialist for FY2016, there were 116 affordable year-round rental units created as a result of this tax

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

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.

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

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

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 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 for could focus on implementing.

Implementation Milestones:

- Support an initiative led by the All Island Planning Board and 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.

10. 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 creating 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

PURSUE REGULATORY OPPORTUNITIES TO CREATE AFFORDABLE HOUSING

Edgartown has the most sophisticated zoning on Martha's Vineyard. Some tools that other communities need to consider already exist in Edgartown, yet the Town has housing development challenges at all market levels, especially affordable housing for low- or moderate-income people. The imbalance between housing supply and housing demand means that regulatory reform alone will not solve all of 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. All of the towns on Martha's Vineyard should have comprehensive permit guidelines to help the Zoning Board of Appeals and other local officials communicate and work with developers as effectively as possible. Still, zoning techniques to increase supply can, when paired with other actions, provide new opportunities for growing the affordable housing inventory. The following is a list of potential ways that Edgartown could encourage affordable housing production.

11. EASE THE REQUIREMENTS FOR ACCESSORY APARTMENTS

Accessory apartments are allowed by special permit in Edgartown. Some adjustments might make Section 11.19 more useful to homeowners, such as:

- Allow accessory apartments by right if they meet basic performance standards in the Zoning Bylaw;

- Consider requiring a modest buffer strip along the lot line on the side of driveway side of the lot, with the buffer to be landscaped and prohibited from use for off-street parking;
- Set the maximum allowable floor area at 900 sq. ft. or not more than 30 percent of the gross floor area of the principal dwelling;
- Consider allowing both an accessory apartment and a guest house on lots that meet the minimum lot area requirement for the district in which they are located (or at least 20,000 sq. ft. in the R-5 district).

Implementation Milestones:

- Seek technical assistance from the Martha's Vineyard Commission to draft proposed changes to Section 11.19;
- 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 Edgartown residents about the opportunity to create an accessory apartment and a simple procedures checklist for interested applicants.

12. MAKE THE AFFORDABLE HOMESITES PROVISION A MORE FLEXIBLE TOOL FOR CREATING AFFORDABLE HOUSING

Edgartown has an existing special permit provision known as Affordable Homesites in Section 11.20 of the Zoning Bylaw. It is intended to accommodate small-scale affordable housing on a one-unit-at-a-time basis for people who live or work in Edgartown. Over a decade ago, the General Court approved special legislation authorizing affordable housing covenants in Edgartown and other Martha's Vineyard communities (Chapter 445 of the Acts of 2006), following passage of a similar bill for the Town of Nantucket a few years earlier. The Affordable Homesite bylaw was written to address specific housing objectives, mainly to help people with a long-standing connection to Edgartown stay in the community and protect them from being priced out by market forces. However, it is not clear that the bylaw's residency requirement complies with federal and state fair housing laws. Accordingly, the Town should consult with an expert in civil rights and fair housing law to determine whether the bylaw or any of Edgartown's affordable housing documents should be revised.

While Section 11.20 is not designed to create many affordable units, it could be a more effective tool with some changes, such as:

- Clarify the eligibility requirements for an Affordable Homesite unit instead of referring to the requirements of the Edgartown Resident Homesite Committee – a group that either no longer exists or has been folded into Edgartown's Affordable Housing Committee;
- Allow construction of more than one Affordable Homesite unit on a substandard lot with at least 10,000 sq. ft. of land if at least one unit is affordable to a household with income at or below 80 percent of the Dukes County median. This option could be encouraged in areas with sewer or, in areas without sewer if the substandard lot has at least half the minimum area required for the district in which the lot is located;
- Allow the second unit to be for homeownership or rental occupancy;

- Clarify the definitions of terms used in the bylaw, and identify where an interested applicant can find applicable requirements, e.g., the affordable housing deed restriction or housing needs covenant that is required to protect the long-term affordability of the affordable units;
- Help the Island Housing Trust, Dukes County Housing Authority, and other mission-based developers to locate interested property owners with eligible lots;
- Work with Town Counsel or the Massachusetts Housing Partnership to develop standard fair housing documents (e.g., a template for an Affirmative Fair Housing Marketing Plan).

Of course, Homesite Housing would still have to comply with Title V and the Massachusetts Wetlands Protection Act, so the opportunities for more intensive use of land may be limited. Providing open space “credit land” within the watershed may help somewhat as well. 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 in this case, to ensure that the regional need for affordable housing is addressed.

Implementation Milestones:

- Seek technical assistance from the Martha’s Vineyard Commission to draft proposed changes to Section 6.9;
- 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 proposed amendments, submit required documentation to Attorney General;
- Provide public information and educational materials to Edgartown residents and non-profit organization that would have an interest in obtaining previously unavailable land for affordable housing.

13. ZONE FOR MULTIFAMILY HOUSING

Creating multifamily housing is not easy in Edgartown. The only explicit mechanisms for doing so are in the R-5 and B-II Upper Main Street districts, and through a limited mix of residential uses in the Planned Development District. All of these tools have limited value for creating affordable housing because:

- They require a special permit;
- In the R-5 and PD districts, the number of units per structure is too low to make inclusion of affordable units financially feasible, and the B-II district is ambiguous with regard to the number of allowable apartments in proposed development;
- There is no affordability requirement in Edgartown’s zoning except for the Affordable Homesites provision.

The Town could consider a more permissive approach to affordable housing and multifamily housing by revising the bylaw in ways such as:

- Allow multifamily dwellings by right, subject to site plan review and design review in the R20 and R5 districts, and by special permit in the R-60 and B-II Upper Main Street districts;
- Be specific and realistic about the maximum allowable density in each district;
- For developments with more than four units, provide that when 25 percent are affordable and eligible for the Chapter 40B Subsidized Housing Inventory (SHI), the project will automatically qualify for at least two additional market-rate units for each affordable unit;

- Create special permit flexibility to reduce open space or minimum yard requirements for projects that include affordable housing.

Implementation Milestones:

- Seek technical assistance from the Martha's Vineyard Commission to draft proposed changes to the Zoning Bylaw to provide for multifamily housing in accordance with these recommendations;
- 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).

14. SPECIFICALLY PROVIDE FOR – AND MAKE IT EASY TO CREATE – UPPER-STORY UNITS IN THE B-I DISTRICT

The Edgartown Zoning Bylaw does not specifically provide for housing above the ground floor of commercial buildings – informally known as “top of the shop” zoning – in the historic downtown business area. The properties in Edgartown's B-I district are, for the most part, very small, so allowing upper-story units is not going to be a major generator of affordable housing. It could help to increase off-season activity in the downtown area, however. Property owners could create upper-story housing in the B-I district if the zoning simply provided for mixed-use buildings as a permitted use. This can be done as follows:

- Amend Article IX to include “mixed-use development” as a permitted use under Section 9.1 and add a definition for “mixed-use development” in Article II;
- Establish basic guidelines for upper-story housing in Section 9.4, including a year-round residency requirement;
- Allow upper-story units with a maximum density of one unit per 1,000 sq. ft.;
- Consider requiring one out of four upper-story dwelling units to be affordable housing;
- Limit the parking requirement to a maximum of one space per dwelling unit.

Implementation Milestones:

- Seek technical assistance from the Martha's Vineyard Commission to draft proposed changes for mixed-use development;
- 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 Edgartown business property owners about the opportunity to create upper-story housing and develop a simple procedures checklist for interested applicants.

15. CONSIDER FLEXIBLE DEVELOPMENT ZONING

There does not appear to be an option in Edgartown's zoning for property owners to propose a residential conservation subdivision with flexible design standards. The closest match to a flexible development bylaw is Edgartown's Planned Development District, which is an overlay that applies throughout the R20 district. As currently written, however, PDD is intended to create a mix of residential uses in sewered areas, so it does not support flexibly designed subdivisions in other parts of town. Flexible development could help Edgartown provide more types of housing choices and address some affordable housing needs if it included the following features:

- Allow flexible developments by right in the R60 and R120 districts, subject to a set of performance standards (site layout and design) that have to be met for a "by right" Flexible Plan submitted under subdivision control – or under site plan review for projects not requiring a subdivision;
- Establish a minimum open space set-aside;
- Consider allowing a modest density bonus for proposals of two or more units filed pursuant to the flexible development bylaw, and a significant bonus for proposals that include affordable units that are eligible for the Subsidized Housing Inventory.

Implementation Milestones:

- Seek technical assistance from the Martha's Vineyard Commission to draft a proposed Flexible Development bylaw;
- 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 Edgartown property owners and developers about the

16. 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	Increase allocations of local Community Preservation Act funds to create affordable housing						Community Preservation Committee	Affordable Housing Committee and Town Meeting
2	Solicit private funding and land donations for development of affordable and/or mixed-income housing						Affordable Housing Committee/ Trust	Board of Selectmen and Town Meeting
3	Allocate funds for wastewater infrastructure to support creation of affordable housing						Community Preservation Committee	Affordable Housing Committee and Town Meeting
4	Offer municipal property at little or no cost for development of affordable and/or mixed-income housing						Affordable Housing Committee/ Trust	Board of Selectmen and Town Meeting
5	Implement a public awareness campaign to increase awareness of affordable housing needs and benefits						Affordable Housing Committee	Board of Selectmen
6	Advocate for adoption of special legislation to increase the existing real estate transfer fee to promote creation of affordable housing						Affordable Housing Committee	Board of Selectmen and Town Meeting
7	Advocate for adoption of special legislation to create a seasonal rentals excise tax						Affordable Housing Committee	Board of Selectmen and Town Meeting
8	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
9	Support creation of an Island Seasonal Housing Task Force and its initiatives						Martha's Vineyard Commission	Board of Selectmen
10	Explore creation of an Island-wide or sub-regional housing trust						Affordable Housing Committee	Community Preservation Committee; Board of Selectmen; and Town Meeting
11	Ease the requirements for accessory apartments						Planning Board	Town Meeting
12	Make the Affordable Homesites provision a more flexible tool for creating affordable housing						Planning Board	Town Meeting
13	Zone for multifamily housing						Planning Board	Town Meeting
14	Specifically provide for - and make it easy to create - upper-story units in the B-1 district						Planning Board	Town Meeting
15	Consider flexible development zoning						Planning Board	Town Meeting
16	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

- Edgartown has the second largest population on the Island – Edgartown estimated total year-round residents (4,186 people) is about 26 percent of the Island’s total population.
- The total population is projected to modestly grow (2 percent) between 2010 and 2035.
- The age composition of the Edgartown population is changing with more older adults and fewer working age adults.
- Edgartown has more than twice the percentage of renters with incomes between \$75,000 and \$99,999 compared with Martha’s Vineyard.
- Edgartown’s year-round renters have higher incomes than its year-round homeowners. The median household income for renters is \$67,614 and for homeowners, \$56,016.
- About 33 percent of Edgartown’s year-round households 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 report finds modest population growth on the Island overall but this growth is inconsistently distributed among the Island’s communities, with Aquinnah losing the most population and Oak Bluffs gaining the most.
- Declining numbers of younger residents and increases in older ones – this report finds this trend is continuing.
- Increasing number of smaller households – this report 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 this reports findings, but median income overall is comparable to the state’s median income
- A significant number of households earning lower income, which this report also finds.

Population Growth & Change

TOTAL POPULATION CHANGE

Edgartown’s estimated population of 4,186 people (per the 2014 ACS) comprises roughly 25 percent of the total estimated population of Dukes County, which includes all six towns on Martha’s Vineyard as well as the Town of Gosnold (encompassing the Elizabeth Islands).¹³

¹³ Note, the total estimated population of Gosnold per the 2014 ACS is only 99 people.

The population of Edgartown grew from 1,276 people in 1930 to an estimated 4,186 people in 2014. The decade with the sharpest increase in total population was between 1970 and 1980 when population increased 49 percent from 1,481 people to 2,204. Population continued growing through 2014, when the ACS estimates indicate a 3 percent population increase from 4,067 in 2010 to 4,186 in 2014.

UMass Donahue projections indicate there may be a slight decrease of 2 percent between 2014 and 2030 to a total population of 4,111 and then a slight increase by 2035 to 4,164 people. The county projections anticipate modest growth of 6 percent and 3 percent in total population respectively between 2014 and 2030 and 2030 and 2035.

TABLE 4.1: POPULATION CHANGE 1930-2014 & 2030 PROJECTIONS

Year	EDGARTOWN		DUKES COUNTY	
	Population	% Change	Population	% Change
1930	1,276	--	4,953	--
1940	1,370	7%	5,669	14%
1950	1,508	10%	5,633	-1%
1960	1,474	-2%	5,829	3%
1970	1,481	0%	6,117	5%
1980	2,204	49%	8,942	46%
1990	3,062	39%	11,639	30%
2000	3,779	23%	14,987	29%
2010	4,067	8%	16,460	10%
2014	4,186	3%	16,816	2%
2030 projected	4,111	-2%	17,902	6%
2035 projected	4,164	1.3%	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

The age composition of Edgartown is older than the county population as a whole. The estimated Edgartown median age of 49.2 years per the 2014 ACS was slightly older than the county median of 45.7. In 2000, Edgartown's median age was 40.3 and the county was 40.7.

In 2000, about 24 percent of Edgartown population was age nineteen and younger. However, in 2014, estimates indicate that the share of population age nineteen and younger in Edgartown decreased substantially to only 16 percent of total population. The 2030 projections indicate that this younger age cohort will increase somewhat to 20 percent of the population and in 2035 fall slightly to 19 percent.

In 2000, about 63 percent of the population was between ages twenty and sixty-four years; whereas, in 2014, the twenty to sixty-four age cohort increased to about 66 percent of the total population. The 2030 projections indicate the percentage of population age twenty to sixty-four years will decrease to 52 percent of the population and to 53 percent in 2035.

In 2000, only about 13 percent of the total Edgartown population was age sixty-five years and over, but in 2014 this cohort is estimated to have grown to about 18 percent of the population. According to the UMass Donahue population projections, the older adult population sixty-five years and over is expected to continue to grow to about 35 percent of the total population by 2035. The 2035 projections for the county indicate the over age sixty-five population will constitute about 29 percent of the total population.

TABLE 4.2: AGE DISTRIBUTION 2000-14 & 2035 PROJECTIONS

Age	2000				2014				2035 projection			
	EDGARTOWN		DUKES COUNTY		EDGARTOWN		DUKES COUNTY		EDGARTOWN		DUKES COUNTY	
	Est.	%	Est.	%	Est.	%	Est.	%	Est.	%	Est.	%
under 19	919	24%	3,665	25%	663	16%	3,597	21%	783	19%	3,492	19%
20 to 64	2,383	63%	9,169	61%	2,776	66%	10,263	61%	2,210	53%	9,622	52%
65+	477	13%	2,153	14%	747	18%	3,055	18%	1,171	28%	5,339	29%
Total	3,779	100%	14,987	100%	4,186	100%	16,915	100%	4,164	100%	18,453	100%
Median Age	40.3		40.7		49.2		45.7		---		---	

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

RACIAL COMPOSITION

The racial composition of Edgartown's population is primarily persons who identify as white. Only about 2 percent of the total population is estimated per the 2014 ACS to identify as non-white alone including black/African American; Asian; some other race; or two or more races. About 4 percent of the total county population identifies as non-white alone.

Between 2000 and 2014, the population identifying as white grew about 14 percent in Edgartown and 18 percent in the county. In the same period, the population identifying as non-white alone decreased in the county with the exception of people identifying as Asian alone. In this period, the population identifying as black/African American stayed about the same in Edgartown with about sixty-six people estimated in 2014. All other non-white populations decreased significantly. American Indian/Alaska native also decreased in both the town (100 percent) and county (57 percent).

TABLE 4.3: RACIAL COMPOSITION, 2000-14

	EDGARTOWN			DUKES COUNTY		
	2000	2014	% Change 2000-14	2000	2014	% Change 2000-14
Population of one race						
White	3691	4113	11%	14,509	16,673	15%
Black or African American	3527	4027	14%	13,592	15,975	18%
American Indian and Alaska native	67	66	-1%	359	305	-15%
	17	0	-100%	256	110	-57%

Asian alone	20	10	-50%	69	151	119%
Native Hawaiian and other Pacific Islander	2	0	-100%	11	0	-100%
Some other race	58	10	-83%	222	132	-41%
Population of two or more races	88	73	-17%	478	242	-49%
Total population	3779	4186	11%	14,987	16,915	13%

Source: US Census 2000, 2010; 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

FOREIGN-BORN POPULATION

The 2014 estimated population of foreign-born residents was about 7.5 percent of Edgartown's total population and about 7 percent of the county's population. Most of the foreign-born population in Edgartown originated in Europe, primarily England, Austria, Portugal, and Poland. Also, about 37 percent of foreign-born residents in Edgartown originated in Brazil. The foreign-born population in the county is largely Latin American (about 41 percent of total foreign-born population), primarily from Brazil. In addition, the county has a larger population born in Cambodia.

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

	EDGARTOWN		DUKES COUNTY	
	Estimate	%	Estimate	%
Total Foreign Born Persons:	310	100%	1,260	100%
Europe:	164	53%	487	39%
Northern Europe:	27	16%	199	41%
United Kingdom (<i>excluding England and Scotland</i>)	0	0%	30	15%
England	23	85%	35	18%
Ireland	4	15%	108	54%
Denmark	0	0%	1	1%
Sweden	0	0%	25	13%
Western Europe:	72	44%	97	20%
Austria	72	100%	72	74%
France	0	0%	7	7%
Germany	0	0%	7	7%
Netherlands	0	0%	11	11%
Southern Europe:	43	26%	43	9%
Portugal	43	100%	43	100%
Eastern Europe:	22	13%	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	22	100%	103	70%
Romania	0	0%	3	2%
Russia	0	0%	21	14%
Asia:	10	3%	165	13%
Eastern Asia:	10	100%	41	25%
China	10	100%	30	73%
China, excluding Hong Kong and Taiwan	10	100%	30	73%
Japan	0	0%	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:	136	44%	608	48%
Latin America:	127	93%	593	98%
Caribbean:	11	9%	81	14%
Barbados	11	100%	11	14%
Jamaica	0	0%	70	86%
South America:	116	91%	512	86%
Brazil	116	100%	512	100%
Northern America:	9	7%	15	2%
Canada	9	100%	15	100%
Source: 2010-2014 American Community Survey Note: ACS data based on samples and are subject to variability				

RESIDENCE ONE YEAR AGO

Roughly 96 percent of Edgartown's total population lived in the same house one-year prior per the 2014 ACS estimate. About 93 percent of the total county population lived in the same house one-year prior to the estimate. Most of the population that moved to their current home in the past year, moved from the same county – most likely from another community on the Island.

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

	EDGARTOWN		DUKES COUNTY	
	Units	%	Units	%
Total	4,186	100%	16,516	100%
Same Home	4,027	96%	15,394	93%
Same County	60	1%	330	2%
Same State	45	1%	231	1.4%
Different State	54	1%	429	2.6%
Abroad	0	0%	132	.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 number of households in Edgartown is estimated to have decreased between 2000 and 2014 from 1,582 households in 2000 and 1,379 households in 2014 while average household size increased from 2.35 to 2.99 persons per household. Total households in the county also decreased but the average household size increased from 2.3 to 2.86 persons per household.

Edgartown has a smaller percentage of family households with children under eighteen (20 percent of total family households) than in the county (26 percent), more single-person households (32 percent in Edgartown and 29 percent in the county), and a smaller percentage of older adults living alone (7 percent in Edgartown and 13 percent in the county).

The percentage of family households with children declined from just over 28 percent of total family households to 20 percent and the absolute number of families with children decreased from 448 to 281. County-wide, the number and percentage of family households decreased from about 28 percent to about 26 percent and from about 1,824 to 1,535 families with children.

TABLE 4.6: HOUSEHOLD CHARACTERISTICS 2000 & 2014

	EDGARTOWN					DUKES COUNTY			
	2000		2014			2000		2014	
Household Type	#	%	#	%		#	%	#	%
Total households	1,582	100.0 %	1,379	100%		6,421	100.0 %	5,839	100.0 %
Total family households	957	60.5%	834	60%		3,791	59.0%	3,863	66%
Family households with related children under 18 years	448	28.3%	281	20%		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	89	19.9%	130	9%		384	21.1%	584	10%
Nonfamily households	625	39.5%	545	40%		2630	41.0%	1,986	34%
Householder living alone	476	30.1%	441	32%		2054	32.0%	1,675	29%
65 years and over living alone	163	34.2%	31	7%		715	34.8%	96	13%
Average household size	2.35		2.99	--		2.30	--	2.86	--
Average family size	2.92		3.69	--		2.91	--	3.39	--
Source: US Census 2000; 2010-14 American Community Survey Note: ACS data based on samples and are subject to variability									

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

HOUSEHOLD TENURE

About 23 percent of households in Edgartown rent their home and about 77 percent own their home. Although comparable to the county as a whole, Edgartown's percentage of renter households is much smaller the state as a whole where about 38 percent of households rent per the 2014 ACS estimates.

TABLE 4.7: HOUSEHOLD HOUSING TENURE 2014

Tenure Type	EDGARTOWN	DUKES COUNTY
Own	1,052	4,552
Rent	327	1,281
Total	1,379	5,839
% Own	77%	78.06%
% Rent	23%	21.94%

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

HOUSEHOLD INCOME DISTRIBUTION

Edgartown's median household income, per the 2014 ACS estimates, was \$56,911, significantly lower than the Dukes County median household income and a significant decrease from Edgartown's 2010 median household income of \$67,625. The only other town on the Island with a lower 2014 median income than Edgartown is Tisbury.

According to the 2014 estimates, Oak Bluffs has the highest median household income of \$80,225, West Tisbury has the second highest median household income of \$73,843, and Chilmark has the third highest at \$67,813. Tisbury has the lowest median household income of

\$42,727. The Massachusetts median household income is estimated to be \$67,846 per the 2014 ACS, most comparable to Chilmark.

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

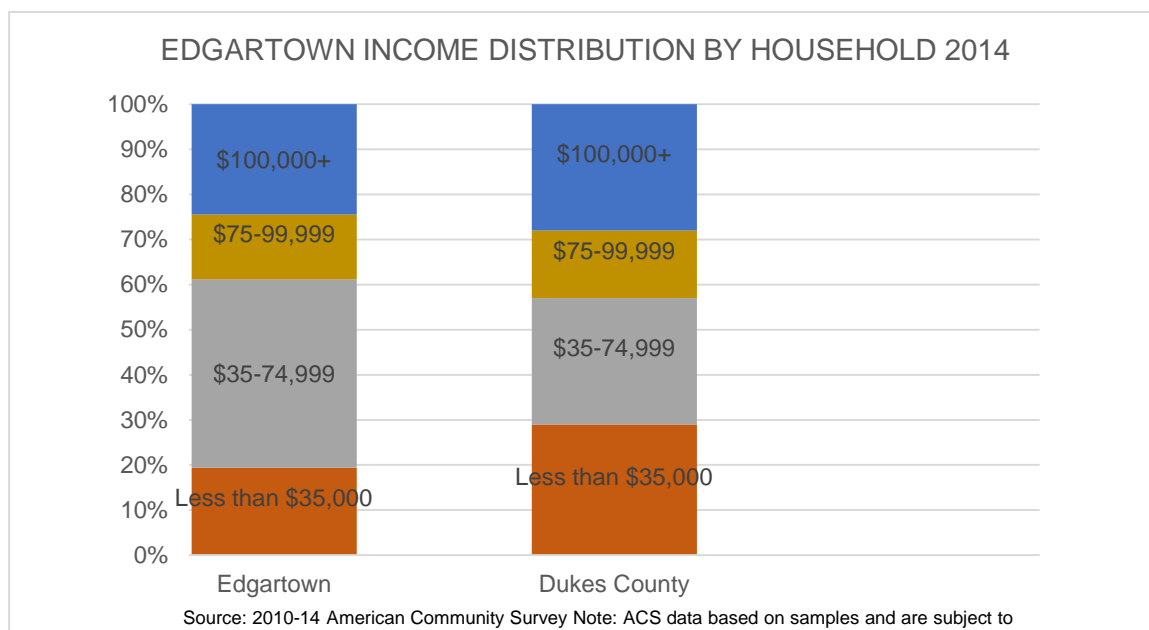
Source: US Census 1990-2010; Martha's Vineyard Housing Needs Assessment 2013; 2010-14 American Community Survey Note: ACS data based on samples and are subject to variability. As provided by MVC.

About 23 percent of Edgartown households have incomes of \$100,000 or over, which is slightly less than the county (29 percent), but the town has a larger share of households with incomes of \$35,000 to \$74,999 with 41 percent of total households than the county with only 28 percent.

TABLE 4.9: INCOME DISTRIBUTION BY HOUSEHOLD 2014

Income Level	EDGARTOWN		DUKES COUNTY	
	# of Households	% of Households	# of Households	% of Households
Less than \$34,999	307	22%	1,669	29%
\$35,000 to 74,999	567	41%	1,639	28%
\$75,000 to 99,999	198	14%	847	15%
\$100,000 +	311	23%	1,684	29%
Total	1,383	100%	5,839	100%

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



Households with younger and older householders will typically have lower incomes than households with householders in the middle (between twenty-five and sixty-four years of age) as seen for the estimated median income for Dukes County households by age of householder where the estimated median income for all households is \$65,518 but households with a householder less than twenty-five years of age have an estimated median income of \$50,114, and those with householder over sixty-five years have an estimated median income of only \$41,875 – a gap of about \$15,400 and \$23,600 respectively. However, in Edgartown, per the 2014 estimates, households with a householder over sixty-five had a moderately higher estimated median income of \$61,397 compared with the median household income for all ages of \$56,911.

TABLE 4.10: MEDIAN INCOME DISTRIBUTION BY AGE OF HOUSEHOLDER 2014

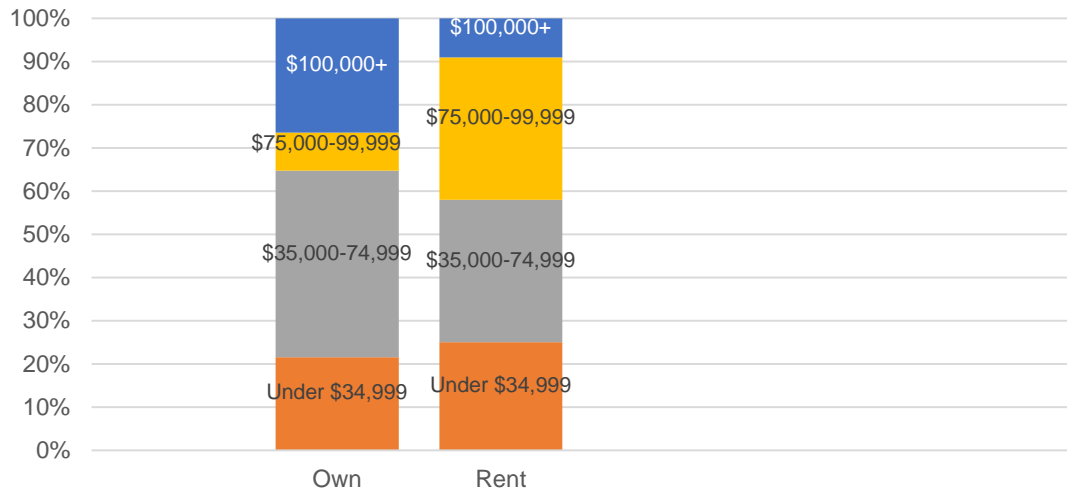
	EDGARTOWN	DUKES COUNTY
	Estimate	Estimate
Under 25 years	-	\$50,114
25 to 44 years	\$65,774	\$73,310
45 to 64 years	\$55,684	\$74,188
65 years and older	\$61,397	\$41,875
Median income for all ages	\$56,911	\$65,518
Source: 2010-14 American Community Survey Note: ACS data based on samples and are subject to variability		

The median income of renter households is often lower than for owner households and this holds true at both the county and local level. However, this is not the case in Edgartown. The estimated 2014 median home owner household income in the county is \$69,827 and in Edgartown is \$56,016; the estimated median for renter households in the county is \$46,544 and in Edgartown is \$67,614.

TABLE 4.11: MEDIAN INCOME BY TENURE 2014

Median Income	EDGARTOWN	DUKES COUNTY
Owner	\$56,016	\$69,827
Renter	\$67,614	\$46,544
Source: 2010-14 American Community Survey Note: ACS data based on samples and are subject to variability		

EDGARTOWN INCOME DISTRIBUTION BY TENURE



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

Poverty

Edgartown had a smaller share of its population 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 \$18,850.¹⁴ In Edgartown, per the 2014 ACS estimates, close to 6 percent of total population were living in households with incomes below poverty thresholds and close to 10 percent of children under age eighteen years.

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 11 percent of the total population were living in households with incomes below the poverty thresholds and about 16 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 2016.¹⁵ 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.

A total of forty-seven individuals (thirty-two men and fifteen women) and eight families have been identified by the Housing Assistance Corporation (HAC) 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

¹⁴ 2016 Federal Poverty Thresholds <http://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-thresholds.html>, accessed 12/29/16.

¹⁵ The homelessness information was provided by Karen Tewhey, HCEC Housing Counselor, Housing Assistance Corporation. On Cape Cod.

to \$1088/month, but remained homeless because of the total lack of affordable apartments on the Island.

Disability

Per the 2014 ACS, Edgartown and county estimates of population with physical or cognitive disabilities, with about 11 percent in Edgartown 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

	EDGARTOWN			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	528	0	0%	3,177	43	0%
18-64	2,896	308	7%	10,649	595	4%
65 +	747	132	3%	2,997	624	4%
Total	4,171	440	11%	16,823	1,262	8%

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

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 are self-employed and about 17 percent in Edgartown are self-employed.

Roughly 43 percent of Edgartown's total labor force is employed in the services sector, which includes professional, scientific, management, administrative, entertainment, food, accommodations, and other services. About 45 percent of Dukes County labor force is employed in the services sector. About 17 percent is employed in construction in Edgartown and about 16 percent in construction in the county. About 10 percent in the town and 12 percent in the county are employed in wholesale/retail trade. About 13 percent in Edgartown are employed in finance, insurance, or real estate.

TABLE 4.13: EMPLOYMENT BY SECTOR 2015

Industry	EDGARTOWN		DUKES COUNTY	
Services ¹⁶	897	43%	3,950	45%
Construction	360	17%	1,408	16%
Wholesale & Retail Trade	212	10%	1,049	12%
Finance, Insurance, Real Estate	269	13%	937	11%
Manufacturing	0	0%	329	4%
Government	148	7%	384	4%
Transportation, Warehousing	65	3%	211	2%
Information	151	7%	316	4%
Agriculture, Forestry, Fishing	0	0%	180	2%

¹⁶ Includes professional, scientific, management, administrative, waste management, education, health care, social assistance, arts, entertainment, food, accommodations, recreation and other services.

Total civilian employed population >16 years and older	2,102	100%	8,764	100%
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Source: 2010-14 American Community Survey Note: ACS data based on samples and are subject to variability. As provided by MVC.

The unemployment rate in Edgartown is more than county wide – per the EOLWD 2015 figures, Edgartown’s unemployment rate was 8.5 percent and the county was 6.9 percent. In addition, as expected in a resort area, the average January unemployment rate is higher than the annual rate – 14.4 percent for the town and 12 percent for the county – the town January rate is higher than county-wide indicating that a larger percentage of people are employed in seasonal industries in the town than in the county.

TABLE 4.14: AVERAGE EMPLOYMENT 2015

	EDGARTOWN	DUKES COUNTY
Labor Force	2,367	9,328
Employed	2,166	8,688
Unemployed	201	640
Area Unemployment Rate	8.5%	6.9%
MA Rate	5%	5%
Average January Unemployment Rate	14.4%	12%
Area		
Average January Rate MA	5.8%	5.8%

Source: MA Executive Office of Labor and Workforce Development

EDUCATIONAL ATTAINMENT

Per the 2014 ACS estimates, Edgartown residents have attained lower education levels than residents county-wide. Only about 27 percent of Edgartown’s 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.

CHAPTER 5

LOCAL HOUSING CONDITIONS

Key Findings

- Edgartown has approximately 460 households with low or moderate incomes, and 67 percent of them pay more than half of their monthly income for housing, which means they are severely cost burdened.
 - Seventy-six percent of Edgartown's housing is used for seasonal or vacation purposes.
-

Housing Supply and Vacancy Trends

OVERVIEW

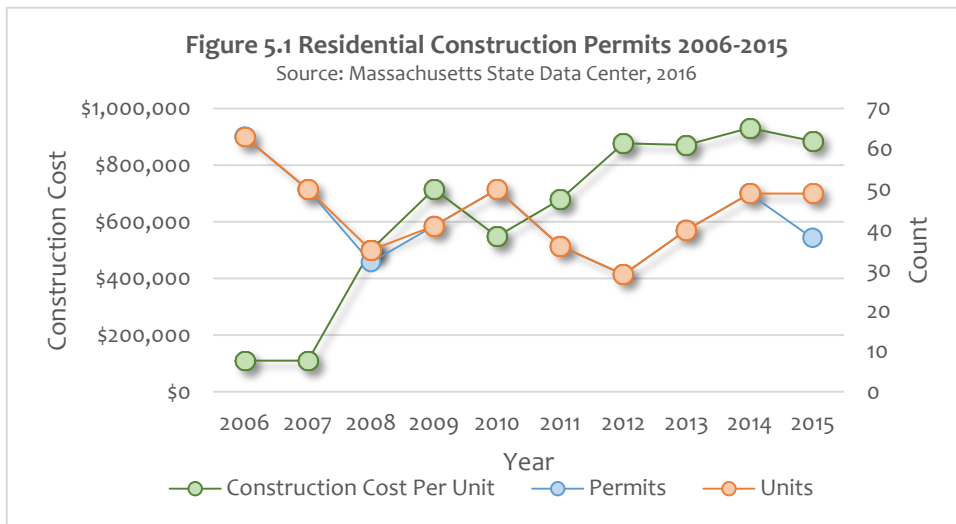
Edgartown has more housing units than any community on Martha's Vineyard, with an estimated total of 5,145 units. Of these units, 1,379 are occupied by year-round residents, with 76 percent owner-occupied and 24 percent renter-occupied. The vast majority of Edgartown's housing stock (69 percent) is used for seasonal or vacation purposes as opposed to 27 percent being dedicated to year-round use. The most recent U.S. Census American Community Survey (ACS) estimates show Edgartown as having only forty-one vacant units available for year-round rentals and no vacant units for sale. The vacancy rate was very low at only 0.7 percent.¹⁷

PERMIT ACTIVITY

In 2015, the Edgartown Building Department issued a total of thirty-six new single-family construction permits and two multifamily construction permits for a combined total of thirteen units. The total reported construction cost of these residential units was \$43,365,000. Over the past ten years, the number of new units permitted by the town has been erratic, echoing the before-and-after effects of the Great Recession, with an annual low of thirty-six units and a high of sixty-three, but there has been a seven-fold increase in the reported construction cost per unit, from \$110,000 (rounded) to \$885,000.¹⁸ (Figure 5.1).

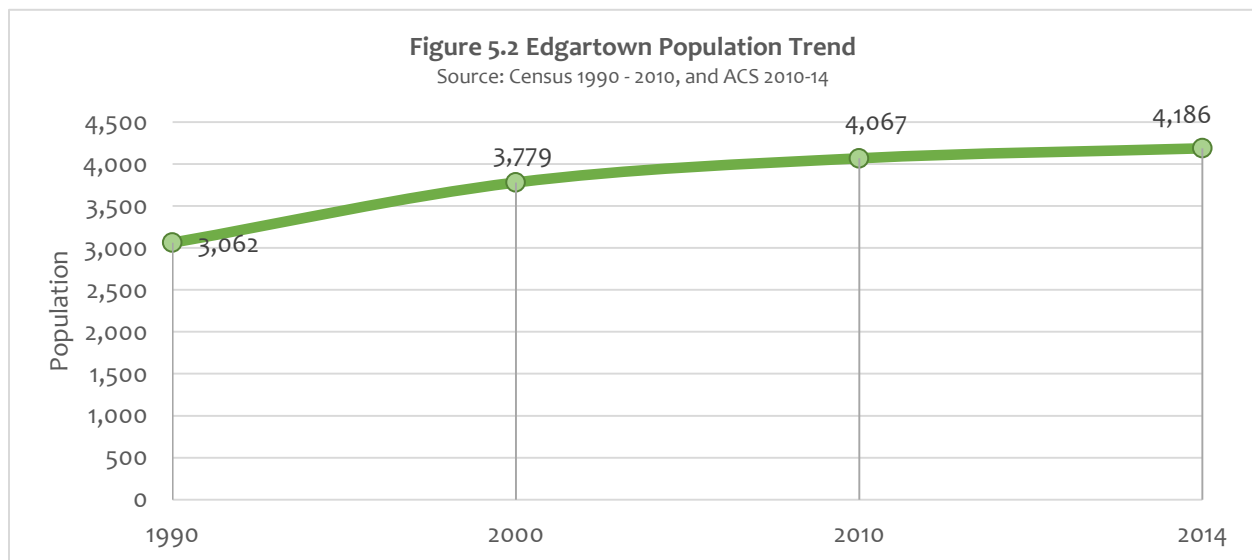
¹⁷ US Bureau of the Census, American Community Survey Five-Year Estimates (2010-14), "B25004: Vacancy Status", and "B25001: Housing Units".

¹⁸ US Census Building Permit Survey, 2015



Population Trends

Edgartown is one of the larger population centers on Martha's Vineyard. Since 1990, the population of Edgartown has grown by 37 percent, or 1,124 residents.¹⁹ Over the course of nearly twenty-five years there has been a continuous growth in population, which ultimately impacts the market forces of supply and demand for housing in town.



Residential Property Characteristics

Edgartown's land is divided into 6,282 parcels averaging 2.72 acres in size.²⁰ Table 5.1 shows that a majority of residential land consists of single-family properties (21 percent), followed by multiple dwellings on a single parcel (13 percent). Not surprisingly, properties classified by the

¹⁹ U.S. Census, 1990, 2000, 2010, and American Community 2010-2014, "Total Population"

²⁰ MassGIS, Level 3 parcel Data

Edgartown Assessor as “Multiple Dwellings on One Parcel” have both the highest average size (3.31 acres) and value (\$2,743,571) of all properties in Edgartown.

TABLE 5.1 RESIDENTIAL LAND USE

Use Type	Percent of Land	Number of Parcels	Average Acreage	Average Value
Single-Family	21%	3,394	1.07	\$1,176,934
Condominium	0%	25	1.49	\$492,172
Two-Family	0%	59	0.58	\$664,814
Three-Family	0%	1	1.42	\$1,332,500
Mixed Use (Primarily Residential)	0%	9	0.56	\$752,211
Multiple Dwellings on One Parcel	13%	662	3.31	\$2,743,571
Apartments	0%	3	0.41	\$2,066,433
Potentially Developable Residential Land	11%	601	3.01	\$818,970
Other Non-Residential Uses	55%	1,528	6.14	\$705,494

Source: MassGIS, reporting data from the Edgartown Assessor's Office, 2015

TRENDS IN RESIDENTIAL PROPERTY VALUES

A review of trends in residential property values provides some perspective on what is occurring with housing costs in the local real estate market. Data from the Massachusetts Department of Revenue (DOR) and other sources can offer insights about residential assessed values, average single-family home values, tax rates, and tax bills for each municipality in the Commonwealth. For this analysis of residential property trends, a thirteen-year time period has been used in order to understand how values have changed, particularly before, during, and after the Great Recession (2007-2009).

TABLE 5.2 TAX RATES AND AVERAGE TAX BILLS FY16

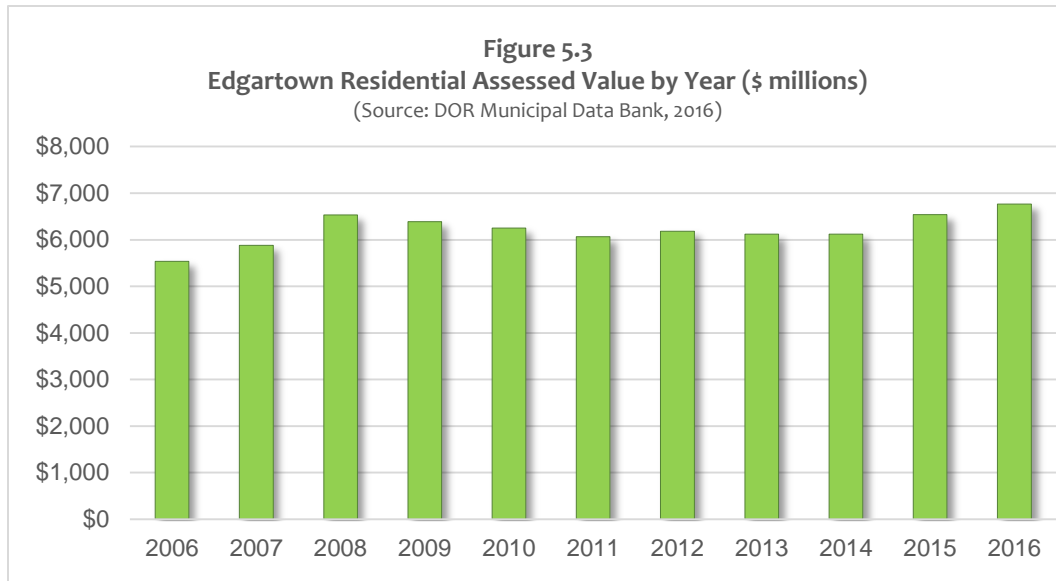
Municipality	Single-Family Assessed Values	Single-Family Parcels	Single-Family Average Value	Residential Tax Rate	Average Single-Family Tax Bill
Aquinnah	\$485,826,497	394	\$1,233,062	5.35	\$6,597
Chilmark	\$2,019,507,700	1,069	\$1,889,156	2.71	\$5,120
EDGARTOWN	\$4,204,709,800	3,410	\$1,233,053	3.62	\$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

*Note: DOR does not calculate and report an average single-family home value for Tisbury.

In 2016, the total assessed value of all single-family parcels in Edgartown was \$4,204,709,800, which is more than double the value of any other town on Martha's Vineyard. The appreciation in value of single-family homes has been consistent over the past ten years, increasing at a rate of 2.21 percent annually.²¹ This statistic acts a proxy for overall market health and growth, and indicates that while Edgartown may not have a booming housing market, its property values have grown steadily over time.

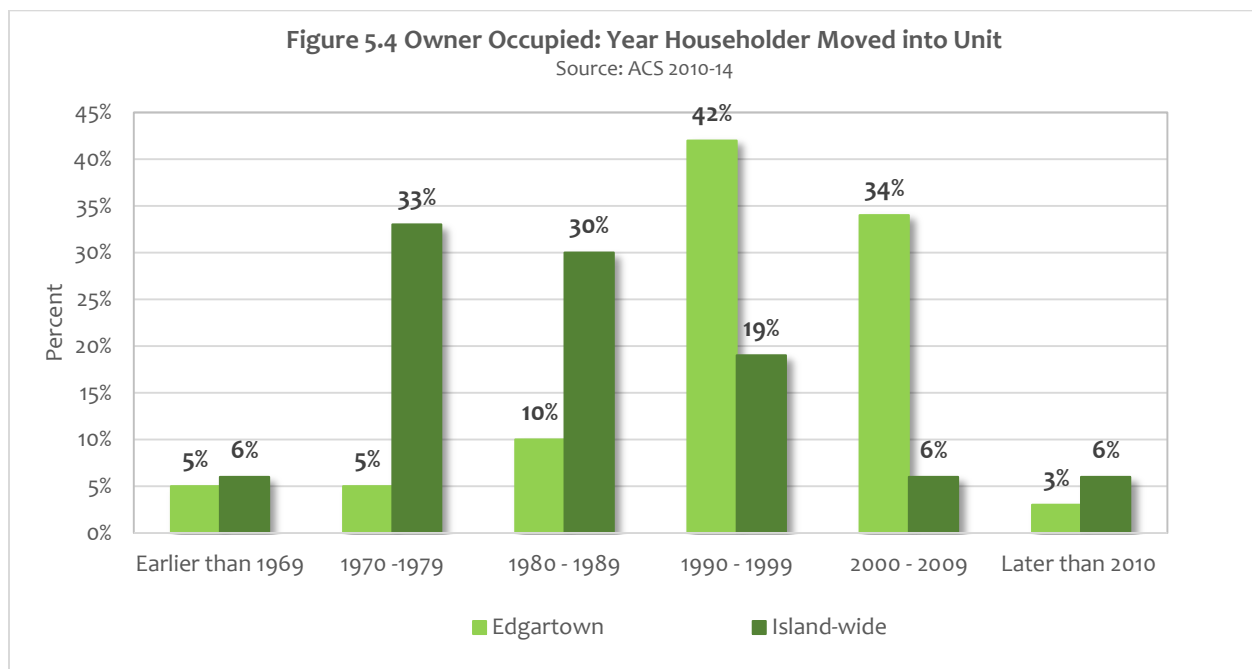
²¹ Massachusetts DOR, 2016



OWNER-OCCUPIED HOUSING CHARACTERISTICS

Edgartown has a total of 1,052 year-round owner-occupied housing units. Figure 5.4 shows that the majority, 805 households, moved into their current homes between 1990 and 2009.

Edgartown also has a much smaller rate of long-term homeowners when compared with Martha's Vineyard as a whole. In particular, 30 percent of Martha's Vineyard's year-round homeowners moved in before 1990, compared with only 15 percent for Edgartown.



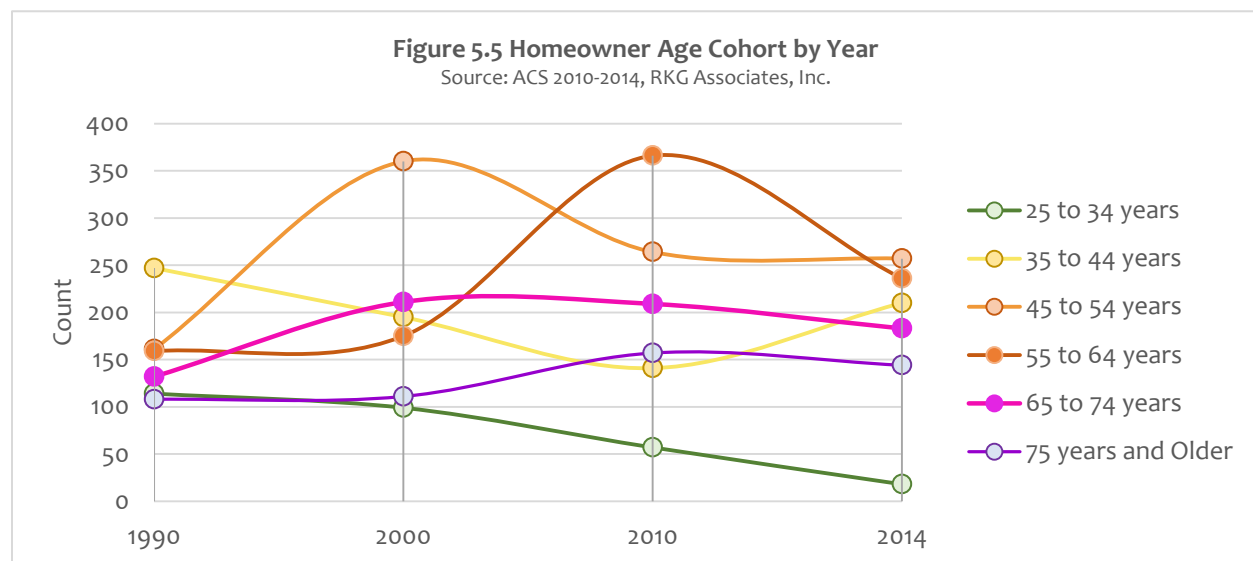
HOMEOWNER HOUSEHOLDS BY AGE

The distribution of homeowners by age in Edgartown closely mirrors that of Martha's Vineyard across all age cohorts (Table 5.3). One key difference that sets Edgartown apart is the rise in year-round homeowners between thirty-five and forty-four years. The most recent ACS estimates show this age cohort increased by 49 percent between 2010 to 2014.²²

TABLE 5.3 HOMEOWNERS BY AGE

	Edgartown		Island-wide
	Count	Percent	Percent
Owner occupied Units	1,052	76%	78%
Householder 25 to 34 years	18	2%	3%
Householder 35 to 44 years	210	20%	15%
Householder 45 to 54 years	257	24%	24%
Householder 55 to 59 years	152	14%	15%
Householder 60 to 64 years	84	8%	12%
Householder 65 to 74 years	183	17%	18%
Householder 75 to 84 years	130	12%	11%
Householder 85 years and over	14	1%	3%

Source: ACS 2010-14, "B25007: Tenure by Age of Householder".



HOMEOWNER HOUSEHOLDS BY INCOME

The median income for a year-round homeowner in Edgartown is \$56,016, which is nearly ten thousand dollars less than the median income for renters (\$67,614).²³ The grouping of homeowner incomes shown in Table 5.4 tend to cluster more around middle-income households than the other towns on Martha's Vineyard. Specifically, more than half of

²² US Bureau of the Census, American Community Survey 2010-14, "B25007: Tenure by Age of Householder".

²³ US Bureau of the Census, American Community Survey 2010-14, "B25119: Median Household Income in the Past 12 Months (in 2014 Inflation-Adjusted Dollars) by Tenure".

Edgartown's year-round homeowners have incomes between \$25,000 and \$74,999, and about a fourth earn more than \$100,000 per year.²⁴

TABLE 5.4 HOMEOWNER HOUSEHOLDS BY INCOME

	Edgartown		Island-wide
	Count	Percent	Percent
Less than \$5,000	65	6%	4%
\$5,000 to \$9,999	16	2%	2%
\$10,000 to \$14,999	42	4%	4%
\$15,000 to \$19,999	0	0%	3%
\$20,000 to \$24,999	0	0%	2%
\$25,000 to \$34,999	101	10%	12%
\$35,000 to \$49,999	237	23%	10%
\$50,000 to \$74,999	222	21%	15%
\$75,000 to \$99,999	89	8%	14%
\$100,000 to \$149,999	137	13%	22%
\$150,000 or more	143	14%	11%

Source: ACS 2010-14, "B25118: Tenure by Household Income in the Past 12 Months (in 2014 Inflation-Adjusted Dollars)".

OWNER-OCCUPIED HOUSING VALUES

Home values in Edgartown are quite high, with 71 percent of owner-occupied housing units valued at more than \$500,000. The availability of modestly priced housing in good conditions is quite limited in Edgartown. Table 5.5 presents the distribution of owner-occupied home values.²⁵

TABLE 5.5 HOME VALUES IN EDGARTOWN

Home Value	Edgartown		Island-wide
	Count	Percent	Percent
Less than \$100,000	0	0%	0%
\$100,000 to \$199,999	7	1%	2%
\$200,000 to \$299,999	38	4%	3%
\$300,000 to \$399,999	189	18%	12%
\$400,000 to \$499,999	73	7%	10%
\$500,000 to \$749,999	418	40%	41%
\$750,000 to \$999,999	118	11%	19%
\$1,000,000 or more	209	20%	13%

Source: ACS 2010-14, "B25057: Value".

FOR-SALE MARKET

Housing Sales

The Warren Group reports that between 2013 to 2015, a total of 772 residential sales occurred in Edgartown,²⁶ though only 340 were considered to be "arm's length" sales. DOR defines an arm's length sale as meeting three criteria: "(1) willing seller and buyer not under compulsion; (2) knowledgeable, unrelated parties; (3) property on the market for a reasonable period of

²⁴ 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)".

²⁵ US Bureau of the Census, American Community Survey 2010-14, "B25057: Value".

²⁶ Warren Group, 2016

time.”²⁷ Table 5.6 reports qualified sales by property type and shows that single-family sales are most common. However, properties with multiple homes on a single lot sold at a much higher price compared to any other property type.

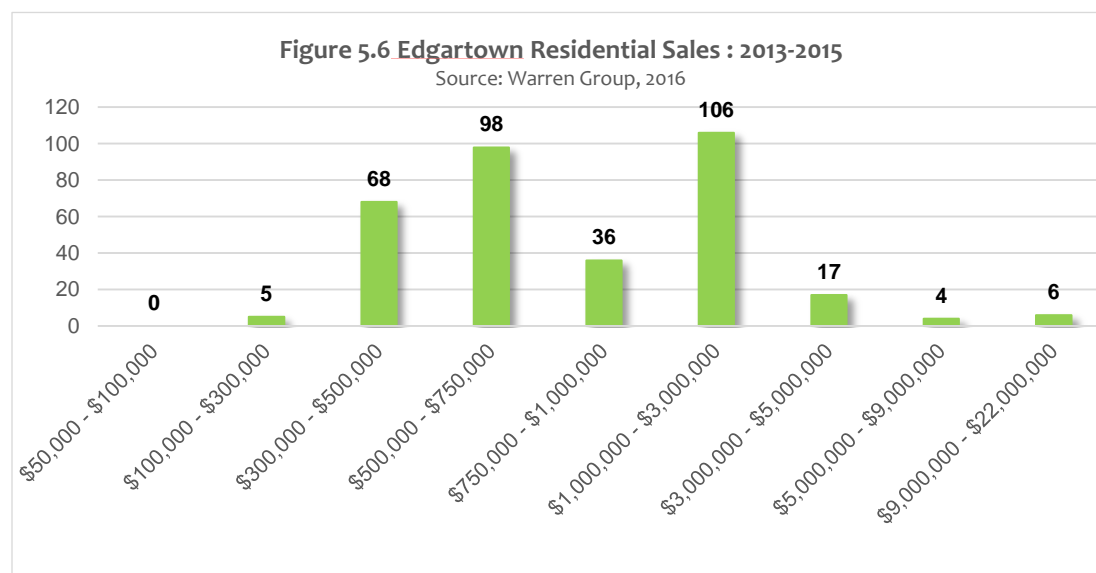
TABLE 5.6 QUALIFIED RESIDENTIAL SALES BY PROPERTY TYPE, 2013-2015

Use Type	Number of Sales	Median Sale Price
Single-Family	269	\$699,000
Two-Family	5	\$425,000
Condominium	9	\$615,000
Multiple Homes on One Parcel	57	\$1,125,000

Source: Warren Group, 2016

In addition, the Warren Group reports the permanent address of the buyer and identifies whether the owners reside at the property. Of the 2013-2015 arm's length sales reported for Edgartown, approximately 78 percent involved buyers who most likely purchased a home for vacation or seasonal use. The median sale price for owner-occupied year-round properties was \$520,000, and the median sale price for owners likely purchasing their home for vacation or seasonal use was \$787,019.²⁸

Figure 5.6 further explores the distribution of sale prices for year-round and seasonal units in Edgartown. The highest sale price during this time period was \$22,000,000 and the lowest, \$120,000. There were 106 homes sold in the \$1 million to \$3 million-dollar range.



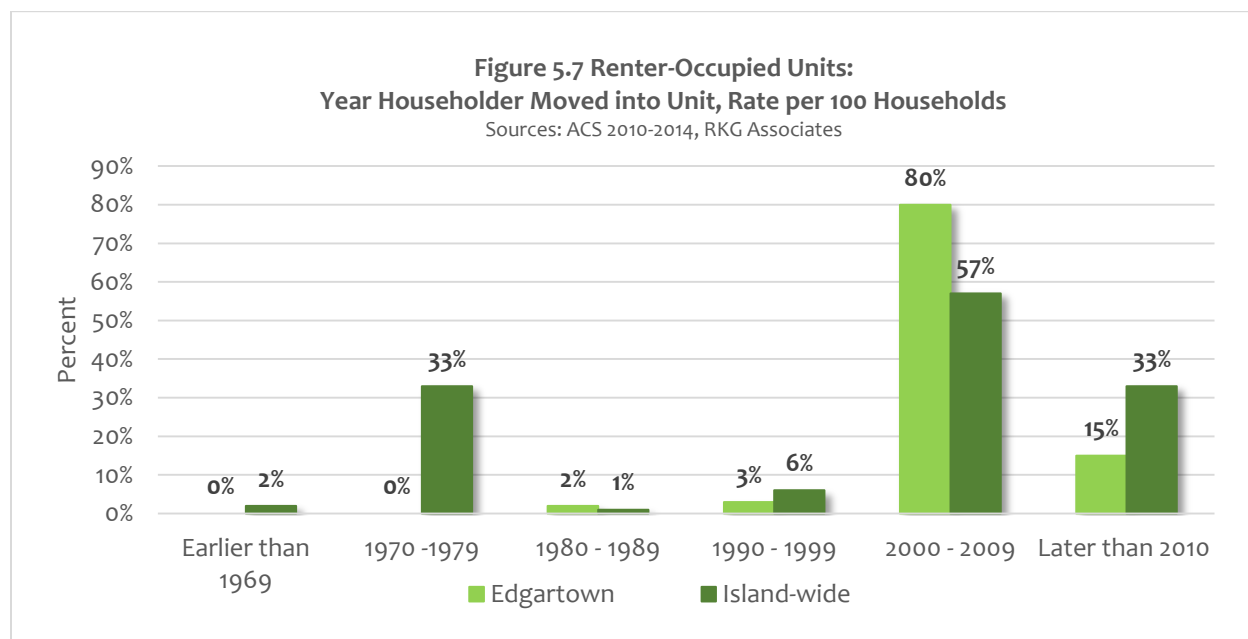
RENTER-OCCUPIED HOUSING CHARACTERISTICS

According to the most recent ACS estimates, there are a total of 327 year-round renter households in Edgartown. Close to 90 percent moved into their current unit sometime after 2000, including 15 percent who moved in after 2010. The percentage of year-round renters in

²⁷ Massachusetts DOR, 2016

²⁸ Warren Group, 2016

Edgartown who moved into their present home between 2000 and 2009 was much higher (80 percent) than that of renters on Martha's Vineyard overall (33 percent).²⁹



Renter Households by Age

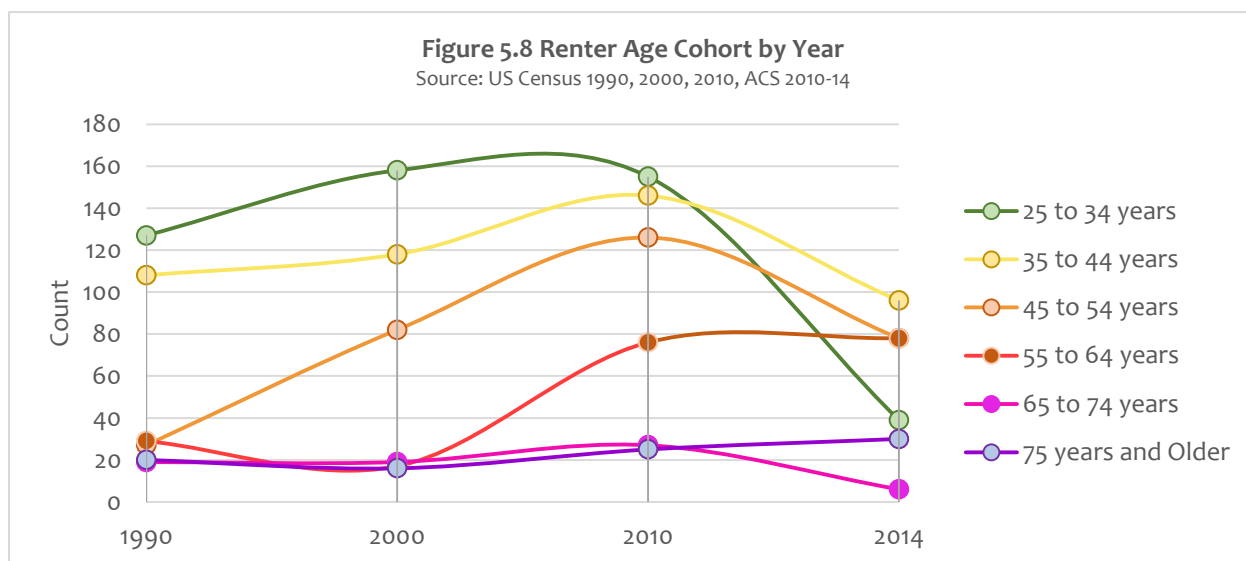
Since 2000, the number of year-round renter households has decreased from 410 to 327. Similarly, all age cohorts have trended downward as well with the exception of renters between fifty-five and sixty-four years and those over seventy-five. The recent reduction in renter-occupied units may reflect recent ownership changes in the inventory of properties with multiple dwellings on a single parcel. New homeowners may no longer wish to rent out the additional units on their property, and if that is the case, it would reduce the overall stock of rental units in Edgartown. It may also be that some single-family homes previously offered for rent have been purchased for year-round or seasonal use, thereby withdrawing stock from the rental supply.

TABLE 5.7 RENTER HOUSEHOLDS BY AGE

	Edgartown		Island-wide
	Count	Percent	Percent
Renter occupied Units	327	24%	22%
Householder 25 to 34 years	39	12%	23%
Householder 35 to 44 years	96	29%	26%
Householder 45 to 54 years	78	24%	16%
Householder 55 to 59 years	39	12%	7%
Householder 60 to 64 years	39	12%	4%
Householder 65 to 74 years	6	2%	6%
Householder 75 to 84 years	0	0%	9%
Householder 85 years and over	30	9%	6%

Source: ACS 2010-14, "B25007: Tenure by Age of Householder".

²⁹ US Bureau of the Census, American Community Survey 2010-140, "B25038: Tenure by Year Householder Moved into Unit".



Renter Households by Income

The median income for year-round renter households in Edgartown is \$67,614, which is ten thousand dollars higher than the median for year-round owner-occupied homeowners. The higher median income of renters in Edgartown is unique to the towns on Martha's Vineyard because in other towns, homeowners have higher incomes than renters. Edgartown has more than twice the rate of renter households with incomes between \$75,000 and \$99,999 compared with the average for Martha's Vineyard.³⁰ Table 5.8 shows the distribution of incomes among renters in Edgartown.

TABLE 5.8 RENTER HOUSEHOLDS BY INCOME

	Edgartown		Island-wide
	Count	Percent	Percent
Less than \$10,000	0	0%	3%
\$10,000 to \$14,999	10	3%	8%
\$15,000 to \$19,999	0	0%	5%
\$20,000 to \$24,999	0	0%	1%
\$25,000 to \$34,999	73	22%	12%
\$35,000 to \$49,999	53	16%	19%
\$50,000 to \$74,999	55	17%	19%
\$75,000 to \$99,999	109	33%	15%
\$100,000 to \$149,999	12	4%	13%
\$150,000 or more	15	5%	2%

Source: ACS 2010-14, "B25118: Tenure by Household Income in the Past 12 Months (in 2014 Inflation-Adjusted Dollars)".

Rental Housing Costs

Table 5.9 shows that 92 percent of year-round renter households pay more than \$1,000 in monthly gross rent (rent and basic utilities). This is much higher than the Vineyard as a whole, where 76 percent pay more than \$1,000 a month in rent. The higher median income for renters in Edgartown probably correlates with the higher rents charged simply because the town has

³⁰ 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)".

more households with the ability to pay the higher rents. High year-round rents can also point to a shortage in the supply of rental units in Edgartown, which is a common issue in most seasonal/resort communities.

TABLE 5.9 RENTER HOUSEHOLDS BY GROSS RENT PER MONTH

	Edgartown		Island-wide
	Count	Percent	Percent
Less than \$250	0	0%	2%
\$250 - \$500	11	4%	6%
\$500 - \$750	0	0%	4%
\$750 - \$1,000	10	4%	11%
\$1,000 - \$1,500	71	27%	28%
\$1,500 or more	168	65%	48%

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

Housing Affordability in Edgartown

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 have to 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 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 Edgartown with housing costs that are below 30 percent, between 30 and 50 percent, and over 50 percent of their monthly gross income.

TABLE 5.10. HOUSEHOLD EXPENDITURES ON HOUSING IN EDGARTOWN

Housing Costs as % Household Income	Homeowners	Renters	Total
Equal to/less than 30% Monthly Income	554	170	724
Between 30 and 50% Monthly Income	310	30	340
More than 50% Monthly Income	225	80	305
Estimates Unavailable	55	0	55
Total	1,140	280	1,420

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data

About 47 percent of all year-round homeowners in Edgartown 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 1,420 reported households in Edgartown, there are 315 households with very low, low, or moderate incomes that have housing cost burdens and 245 with severe housing cost burdens. It is particularly noteworthy that 61.4 percent of the households with incomes higher than the federal definition of "low or moderate income" but less than the median for Dukes County have high housing costs as well.

TABLE 5.11. HOUSING COST BURDEN IN EDGARTOWN: ALL HOUSEHOLDS (OWNERS AND RENTERS)

Household Income Range	Housing Costs > 30%	Housing Costs >50%	Total	Percent w/ Housing Costs
------------------------	---------------------	--------------------	-------	--------------------------

				>30%
<=30% AMI	90	90	145	62.1%
>30% and <=50% AMI	115	70	145	79.3%
>50% and <=80% AMI	110	85	175	62.9%
>80% and <=100% AMI	175	60	285	61.4%
Income >100% AMI	155	0	675	23.0%
Total	645	305	1,420	45.4%

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data.

Table 5.12. shows that of the 535 total year-round homeowners who pay more than 30 percent of their income toward housing, 215 are low- or moderate-income households. Moreover, half of Edgartown's low- or moderate-income homeowners (165) have severe housing cost burdens.

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

Household Income Range	Cost burden > 30%	Cost burden > 50%	Total	Percent Housing Cost Burdened
<=30% AMI	70	70	125	56.0%
>30% and <=50% AMI	55	30	60	91.7%
>50% and <=80% AMI	90	65	145	62.1%
>80% and <=100% AMI	175	60	255	68.6%
Income >100% AMI	145	0	555	N/A
Total	535	225	1,140	

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 Edgartown. It shows that of the town's 130 year-round renters with low or moderate incomes, one hundred (76 percent) are housing cost burdened and 61 percent are severely cost burdened.

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

Household Income Range	Cost burden > 30%	Cost burden > 50%	Total	Percent Housing Cost Burdened
<=30% AMI	20	20	20	100.0%
>30% and <=50% AMI	60	40	80	75.0%
>50% and <=80% AMI	20	20	30	66.7%
>80% and <=100% AMI	0	0	25	0.0%
Income >100% AMI	10	0	120	N/A
Total	110	80	280	

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data.

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 Edgartown, 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 were those of greater than 100 percent AMI. In this category, there were 320 individuals who were cost burdened. Table 5.14 presents the data of housing cost burdening for homeowners. Of the elderly families, there were 225 cost burdened households, with 40 households being cost burdened between the income ranges of 30 percent and 50 percent of AMI.

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	10	45	10	40	20	125
>30% and <=50% AMI	40	0	10	0	15	60
>50% and <=80% AMI	30	25	0	30	60	145
>80% and <=100% AMI	20	50	0	10	175	255
Income >100% AMI	125	320	10	25	75	555
Total	225	440	30	105	345	1140

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

For renters in Edgartown, small households had the largest number of cost burdened households (125 households). The income threshold of between 30 percent and 50 percent of AMI accounted for sixty households (48 percent) of all cost burdened small family households. Table 5.15 presents renter cost burden data by household type. Twenty elderly households were cost burdened at incomes greater than 100 percent AMI.

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	10	0	0	10	20
>30% and <=50% AMI	0	60	0	0	20	80
>50% and <=80% AMI	0	0	0	10	20	30
>80% and <=100% AMI	0	25	0	0	0	25
Income >100% AMI	20	30	0	4	0	120
Total	20	125	0	14	50	275

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 Edgartown 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 Edgartown that are severely cost burdened are 228, translating into 20 percent of all cost burdened households. Table 5.16 presents severely cost burdened households by household types. Other family households experienced the greatest numbers of severely cost burdened households with 150 households affected.

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	10	0	10	30	20	70
>30% and <=50% AMI	10	0	10	0	15	35
>50% and <=80% AMI	4	0	0	0	60	64
>80% and <=100% AMI	0	4	0	0	55	59
Income >100% AMI	0	0	0	0	0	0
Total	24	4	20	30	150	228

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 Edgartown that are severely cost burdened are 80, translating into 29 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	10	0	0	10	20
>30% and <=50% AMI	0	40	0	0	0	40
>50% and <=80% AMI	0	0	0	0	20	20
>80% and <=100% AMI	0	0	0	0	0	0
Income >100% AMI	0	0	0	0	0	0

Total	0	50	0	0	30	80
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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 80 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.

EDGARTOWN AFFORDABLE UNITS

As of June 2016, there were eighty-nine units in Edgartown listed on the SHI.

TABLE 5.18: COMPARISON OF SHI UNITS BY TOWN

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

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

TABLE 5.19: EDGARTOWN AFFORDABLE UNITS BY TYPE

	SHI	Non-SHI	Total Restricted
Rental	68	0	68
Accessory Apts.	0	0	0
Ownership	5	38	43
Rehab	16	4	20
Rental Assistance	0	27	27
Total	89	69	158

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

Approximately 73 percent (sixty-five units) of the total SHI units were created through comprehensive permits under C.40B.³¹

Term of Affordability

Almost 6 percent of the units listed on the SHI are restricted as affordable in perpetuity. Of the approximately 94 percent of units that are not restricted in perpetuity, roughly 19 percent (sixteen units) have affordability restrictions that will expire within three years (prior to 2020). These include the following units:

- One Oak Bluffs HOR Program³² ownership unit at Mariner's Way, with an end term of 2017.
- Seven Oak Bluffs HOR Program³³ ownership units at Edgartown-Vineyard Haven Road, Edgartown-West Tisbury Road, Martha's Road, Mocking Bird Drive, Herring Creek Road, Pine Street, and Mariner's Way, with an end term of 2018.
- Four Oak Bluffs HOR Program³⁴ rental units at Dukes County Fisher Road Apartments, with an end term of 2019.
- Four Oak Bluffs HOR Program³⁵ ownership units at Curtis Lane, Dodgers Hole Road, Evelyn Way, and 12th Street South, with an end term of 2019.

Approximately 9 percent (eight units) of the units listed on the SHI have affordability restrictions that will expire in eleven years (by 2028), all of which are rental units at the Fisher Road Apartments on Fisher Road.

Approximately 67.4 percent (sixty units) of the units listed on the SHI have affordability restrictions that will expire within forty-one years (by 2058), all of which are rental units at Pennywise Path Affordable Housing on Pennywise Path.

³¹ Department of Housing and Community Development Subsidized Housing Inventory, 6/22/16

³² Oak Bluffs HOR Program – Oak Bluffs Homeownership Rehab Program

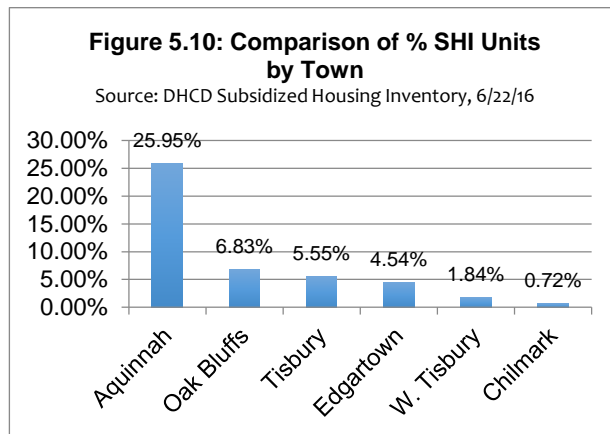
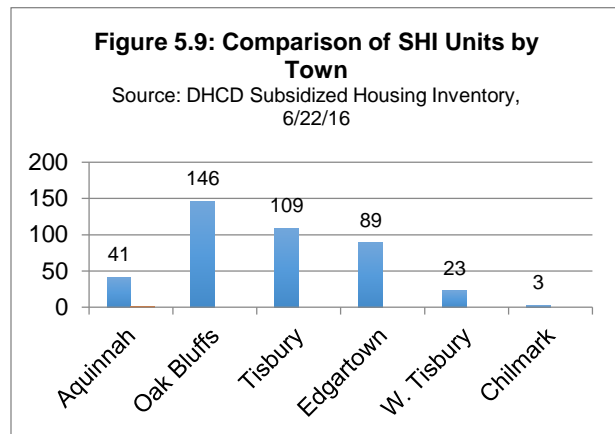
³³ Oak Bluffs HOR Program – Oak Bluffs Homeownership Rehab Program

³⁴ Oak Bluffs HOR Program – Oak Bluffs Homeownership Rehab Program

³⁵ Oak Bluffs HOR Program – Oak Bluffs Homeownership Rehab Program

Regional SHI Comparison

Island-wide, Martha's Vineyard has 411 units counted on the SHI. Edgartown's eighty-nine units are almost 22 percent of the island's total SHI units. The town with the most affordable units is Oak Bluffs with 146 units – approximately 35.5 percent of the island's total SHI 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 Edgartown. Within the income threshold of under 30 percent of AMI, there are two households in need of affordable housing for every one unit of affordable housing. While at the below 50 percent of AMI threshold, there are nearly three times as many households in need for every one affordable unit. At incomes less than 80 percent of AMI, the mismatch is less unbalanced as there are 20 households more than available units.

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	10	35	115
Total Renter Households	20	105	135
Total Shortage/Surplus of Units Affordable to Income Groups	10	70	20
Affordable and Available Units Per 100 Renter Households	50	33	85

Source: CHAS, 2009-2013

CHAPTER 6

DEVELOPMENT CONSTRAINTS & LIMITATIONS

Summary

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

- A significant portion of Edgartown's coarse-textured soils may accept sewage effluent so rapidly that little filtration occurs. This may cause pollution of nearby shallow water supply wells. Adequately sized lots are necessary to allow appropriate separation of well sand sewage disposal systems in areas that are not planned for connection to public sewer and water. Pollution of groundwater is also possible from the storage of solid waste in these soil types.
- The extremely porous nature of the soils throughout most of Edgartown permits a high rate of recharge of groundwater by precipitation.
- Edgartown provides important habitat to a number of endangered species including the Roseate tern and Northern harrier. In addition, the 5,000+ acre Correllus State Forest which lies partially within Edgartown is home to the highest concentration of rare species in the state.
- It is anticipated that Edgartown will meet public water build out in the year 2035. Research suggests that Edgartown will have a minor shortage of available capacity at that time. Town officials have already begun the planning stages for a second storage facility to meet future needs.
- Edgartown's wastewater infrastructure serves the downtown area and a few small scattered areas west of downtown north of Edgartown-Tisbury Road and south of Edgartown-Vineyard Haven Road.
- The Martha's Vineyard Airport has its own wastewater system administered by the county, which has an on-site treatment system. The plant is permitted with a daily wastewater flow capacity of 37,000 gallons. The daily flow is approximately 10,000 gallons per day. Effluent is disposed of in Oyster Pond watershed.
- Certain roads and intersections are congested for several months of the year but this does not necessarily mean that there should be physical changes. The challenge is how to deal with increases in population and traffic with a historic road network, and keep congestion within bearable levels.
- Shared use paths provide direct links between the Down-Island towns, but stop at the perimeter of the downtowns and, notably, do not connect to the ferries. Bicycles are thus reintegrated with motor vehicles at the very places where the roadways are the most congested and dangerous.

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.

LANDSCAPE DESCRIPTION

Edgartown lies on the easternmost portion of the Island and includes the island of Chappaquiddick. In addition to the impressive whaling captain's homes and churches of downtown, Edgartown encompasses some of the island's most important natural resources. These include Edgartown Great Pond in Katama, and Cape Poge and Pocha Pond on Chappaquiddick. In addition, a large portion of Correllus State Forest, which sits above the island's main aquifer, lies within Edgartown's borders. The state forest is home to high levels of biodiversity and rare species that exist nowhere else. The southern part of the town is made up of sand plain, a flat grassy landscape which leads to Edgartown Great Pond and South Beach. The town's interior, and portions of Chappaquiddick are characterized by the Island's typical scrubby oak and pine forest.

TOPOGRAPHY

Geographically, Edgartown occupies the southeast corner of Martha's Vineyard. Chappaquiddick is an island unto itself, reached by crossing Edgartown Harbor on the Chappy Ferry. To the north, the Beach Road to Oak Bluffs runs along a small strip of land separating Sengekontacket Pond from Nantucket Sound. The 5,200-acre Correllus State Forest is located in the northwest corner of town. Edgartown center is a densely populated grid of traditional narrow ways typical of New England maritime villages. The town possesses salt marshes, ponds, a harbor, bays, forests and fields and is a fairly flat area, with some rolling gentle hills

Katama Bay, Sengekontacket Pond, and Cape Poge Bay are the largest tidal bodies in Edgartown. Small inlets and salt marshes dot the shores of sandy beaches. These, along with Edgartown Great Pond make up some of the diverse water resources available to residents and visitors. Elevations in Edgartown do not reach above ninety-five feet. High points are Mill Hill (sixty-five feet), Washaqua Hill (seventy feet) and Sampson's Hill (ninety-four feet).

GEOLOGY

Geological features abound in Edgartown, including Great Pond and other ponds, the Katama Plains, Chappaquiddick Island and barrier beaches. The plains, ponds and forest area were formed by a slurry of soil and water flowing south as the ice edge began to melt. The terrain is one of flat stretches of outwash slopes that descend gently southwards which are only disrupted by occasional valleys formed by the meltwater streams. There are several areas in the Beetle swamp area of town and Chappaquiddick that contain clayey soils impervious to water where swamps and ponds have formed.

The barrier beaches are ethereal ribbons of sand that are formed by the long shore currents which travel in an easterly direction along South Beach and move vast quantities of soil out into Nantucket Sound. The long shore currents also erode the sandy base of Martha's Vineyard. Over the last ninety-five years, South Beach has transgressed northward at an average rate of 8.9 feet per year.

SOILS

Parent materials to the soils in Edgartown were glacial deposits modified by the action of meltwater streams flowing over the land as the glaciers melted and retreated northward some 15,000 years ago. Soils developing on this terrain tend to be coarse in the channels and finer in the uplands. Beneath and adjacent to the rapidly melting glacial ice, a mix of silt, sand, and larger rock was deposited along the northern part of town and on Chappaquiddick. Soils forming in this area tend to be coarse soils. Hardpan is found in the area extending from Jernagans Pond through town and out toward Lily Pond.

A significant portion of Edgartown's coarse-textured soils may accept sewage effluent so rapidly that little filtration occurs. This may cause pollution of nearby shallow water supply wells. Adequately sized lots are necessary to allow appropriate separation of well and sewage disposal systems in areas that are not planned for connection to public sewer and water. Pollution of groundwater is also possible from the storage of solid waste in these soil types.

GROUNDWATER

Martha's Vineyard has one freshwater aquifer that is its main source of drinking water. Chappaquiddick Island has a separate and distinct groundwater aquifer. The Island's main aquifer resides primarily in a geologic deposit known as the outwash plain. Precipitation falling on Edgartown percolates through the coarse, sandy soils until it reaches the upper level of the water table. Beneath this level lies a large underground reservoir of soil saturated with fresh water.

The extremely porous nature of the soils throughout most of Edgartown permits a high rate of recharge of groundwater by precipitation.

However, this also allows rapid infiltration of contaminants such as those from sewage disposal systems, and run-off from roads and fertilizers.

PONDS

Edgartown's extensive saltwater resources nourishes its shellfish industry, provides wildlife habitat and offers recreational opportunities. Edgartown's main saltwater ponds are Great Pond, Sengekontacket Pond, and Cape Poge on Chappaquiddick.

Edgartown Great Pond

Edgartown Great Pond is a shallow depression formed by glacial outwash approximately 10,000 years ago. The size of the pond varies from 544 acres (low pond) to 840 acres (high pond) and is part of a 4,850-acre watershed that drains into the pond. Effluent from the town's wastewater facility is filtered through the watershed and is ultimately released into the pond. The pond is opened to the sea three to four times annually using earth moving equipment. The MVC categorized this pond as Compromised. Water quality is impaired but varies with the success and duration of the inlet openings. Eelgrass is present but patchy.

Actions to improve the health of the pond include:

- In recent years, water quality has improved with regularly scheduled pond openings, dredging, and oyster population restoration.

- The Town of Edgartown extended sewers to serve an additional 300 homes.
- These measures meet the Total Maximum Daily Load for the current level of development, but further efforts will be needed to deal with future growth.

Sengekontacket Pond³⁶

Sengekontacket Pond is a 691-acre pond and estuary with a 11,300-foot barrier beach that separates it from Nantucket Sound. State Beach and Sea View Avenue separate the pond from the Sound. The pond is shared by Edgartown and Oak Bluffs. Forty-nine percent of the pond shore is saltmarsh and brackish marshes which provide habitat for wildlife. Public access is provided along 38 percent of its shore with beach facilities managed by the town and the Commonwealth. The Massachusetts Audubon Society manages an additional 350 acres which include 7,000 feet of natural shoreline.

After a closure of the pond in 2007 due to high levels of bacteria in the water, the pond was re-opened in 2012 after extensive dredging to increase pond circulation. According to the Massachusetts Estuaries Project, the pond exceeds the acceptable level of nitrogen. There are several options for nitrogen removal including creating a larger culvert in Trapp's Pond and sewerage of the Major's Cove area. In addition, the two town's shellfish departments are growing oysters in the Cove to help filter nitrogen out of the water. Eel grass is all but non-existent in the pond with the exception of the Major's Cove area. The MVC categorized this pond as Impaired. Nitrogen is high in some inner areas with periodic extensive wrack algae.

The following actions are part of a plan to restore the pond's health and productivity:

- The Oak Bluffs and Edgartown Boards of Selectmen set up a joint committee to prepare recommendations. The joint committee submitted its report in October 2012 and recommendations are being reviewed.
- An oyster aquaculture project is underway in both towns.
- A ribbed mussel and salt marsh restoration project is proposed at Felix Neck and Trapps Pond.
- A "Floating Islands" pilot project is currently underway.

Cape Poge Wildlife Refuge³⁷

Chappaquiddick Island's eastern edge is a barrier beach formed thousands of years ago by offshore currents that deposited tons of sand. Today this beach extends for seven miles from Wasque Point on the south past the Cape Poge Lighthouse to Cape Poge Gut. At the refuge's northern edge, between Cape Poge Lighthouse and the Gut, Cape Poge Elbow sustains a gull rookery and nests of endangered piping plovers, least terns, and oyster catchers.

Pocha Pond, and the adjacent lagoon connecting it to Cape Poge Bay, together comprises 210 acres of shallow salt water surrounded by approximately 300 acres of salt and brackish marsh where calm, clear waters serve as a nursery for finfish and shellfish. Powerful currents push through the Gut at the top of the bay, flushing it with oxygen-rich water and attracting striped bass, bluefish, and other species. At present, these are the most extensive and undisturbed salt marshes on Martha's Vineyard. MVC categorizes Cape Poge waters as Quality and Pocha Pond's waters as Compromised.

³⁶ Oak Bluffs OSRP

³⁷ Trustees of the Reservation. <http://www.thetrustees.org/places-to-visit/cape-cod-islands/cape-pogue.html>. Accessed 8/23/16.

PLANT COMMUNITIES & WETLANDS

Edgartown encompasses the following plant communities:

- Coastal Salt Pond communities: These 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. Five examples of Coastal Salt Pond, mostly large, in excellent condition, and well buffered in naturally vegetated settings.
- Sandplain Grasslands: These are open, essentially treeless, grass-dominated communities that generally occur on sand or other dry, poor soils. Occurrences are maintained by fire, salt spray, and, now, mowing. One area of Sandplain Grassland including one that is considered to be the largest and best in the state, and possibly in New England. This very rare natural community harbors many state-listed plant and animal species.
- Interior woodlands: Specifically, oak-pine forest also include stands of beech, red cedars and areas of scrub oak and shadbush.

Inland permanent and seasonal wetlands, and coastal salt marsh wetlands are all present in Edgartown. Permanent wetlands hold groundwater at or near the surface year-round. Seasonal wetlands may dry up during a drought or in the height of summer. The interaction of slow decomposition of plant material with water saturation produces a layer of peaty soil. Chemical and biological action in the saturated soil and uptake of nutrients by the wetland plants can absorb some common pollutants like nitrates, phosphates and organic substances. In addition, wetlands slow run-off during floods allowing water to recharge the aquifer. Salt marsh vegetation produces a tightly-woven and resistant peat which absorbs storm energy protecting land and reducing flooding.

AREAS OF CRITICAL ENVIRONMENTAL CONCERN: BioMap2³⁸

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 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.

³⁸ Commonwealth of Massachusetts: Division of Fisheries and Wildlife. *BioMap2; Conserving the Biodiversity of Massachusetts in a Changing World*. 2012.

Edgartown provides important habitat to endangered species including the Roseate tern and Northern harrier. In addition, the 5,000+ acre Correllus State Forest which lies partially within Edgartown is home to the highest concentration of rare species in the state.

Edgartown contains the following:

Core Habitat

- Two Exemplary or Priority Natural Community Cores
- Four Wetland Cores
- Thirty-two Species of Conservation Concern Cores: 8 birds, 2 reptiles, 1 amphibian, 23 insects, 11 plants

Critical Natural Landscape

- Three Landscape Blocks
- Four Wetland Core Buffers
- Twenty-five Coastal Adaptation Areas
- Nine Tern Foraging Areas

Historic & Cultural Resources

First permanent European settlement of Old Town Edgartown took place circa 1642, with first meetinghouse site established by 1653, near a local settlement concentration at Great Harbor. Chappaquiddick Island to the east retained a significant Christian native population through the 18th century. A local fishing and sheep grazing economy developed, leading to early 18th-century legal conflicts with natives over Chappaquiddick grazing rights.

Establishment of county courthouse at Edgartown after 1721 stimulated village development, as did late 18th-century growth in the whaling industry. Port of entry status was conferred in 1789. Construction of Federal and Early Industrial period village resulted, including high-style residences of maritime capitalists and landmark Methodist church. The mid-19th century decline in whaling was followed by the rise of the summer resort economy.

Edgartown possesses a huge number of properties recognized on the State Register of Historic Places, these include historic districts and historic homes and businesses. These include many of the famous whaling captain's homes built in the late 18th through the mid-19th centuries. Edgartown's oldest remaining property is the Vincent House at 99 Main Street which was built in 1672. The town is also home to two historic lighthouses, Edgartown Harbor Lighthouse and Cape Poge Light on Chappaquiddick.

Infrastructure Capacity

DRINKING WATER³⁹

Public water supplies are administered by the Towns of Edgartown, Oak Bluffs and Tisbury, and serve nearly 10,000 developed properties. All water suppliers draw water from public wells, whose Zone IIs cover nearly fourteen square miles (15 percent of the total land area of the Island). Development density is light in these Zone IIs, and water quality is good. Nitrate loading is not sufficient in Zone IIs to approach the drinking water standard of ten parts per million.

As of MVC's 2010 wastewater study, of 4,289 developed parcels in Edgartown, 2,949 are served by public water and the remainder by private wells. There are about seventy miles of main in Edgartown ranging from two to sixteen inches in diameter. The town's daily pumping generally goes from 200,000 g.p.d. to 3.2 m.g.d. There are approximately 3,100 active accounts. At present, Edgartown is meeting its storage capacity needs.

However, it is anticipated that Edgartown will meet build out in the year 2035. Research suggests that Edgartown will have a minor shortage of available capacity at that time. Town officials have already begun the planning stages for a second storage facility to meet future needs.⁴⁰

An analysis of town-by-town water billing records indicates the following typical water use per property:

³⁹ Martha's Vineyard Commission. *Martha's Vineyard Wastewater Management Study*. May 2010.

⁴⁰ Per correspondence with Edgartown Water Department, Water Superintendent, 8/25/16.

- Residential properties 140 to 210 gpd per property
- Non-residential users 400 to 1,500 gpd per property

WASTEWATER

Edgartown's wastewater infrastructure has a capacity of 750,000 gallons per day. The facility serves approximately 900 commercial and residential properties. Discharge rates reach in the upper 400,000 gallons per day in the summer. The town is currently transferring 300 properties in the Edgartown Great Pond watershed from septic to sewer. This additional flow will add 130,000 gallons per day to the system. All of Edgartown's effluent is disposed of in the Edgartown Great Pond watershed.

Edgartown's wastewater infrastructure serves the downtown area and a few small scattered areas west of downtown north of Edgartown-Tisbury Road and south of Edgartown-Vineyard Haven Road.

The Martha's Vineyard Airport has its own wastewater system administered by the county which has an on-site treatment system. The plant is permitted with a daily wastewater flow capacity of 37,000 gallons. The daily flow is approximately 10,000 gallons per day. Effluent is disposed of in Oyster Pond watershed.

Of all the wastewater that should be collected for nitrogen control purposes, 70 percent is generated within the town boundaries of Edgartown, Oak Bluffs and Tisbury, where municipal wastewater infrastructure already exists. Based on the Commission's growth projections, those three towns account for 72 percent of the future nitrogen control needs.

These estimates of wastewater collection and treatment needs assume that the collected wastewater is removed from the sensitive embayments and that effluent disposal occurs in watersheds that are not nitrogen sensitive. If effluent disposal must occur in nitrogen-sensitive watersheds, then a greater number of septic systems must be eliminated to account for the effluent nitrogen that remains in those watersheds. Wastewater quantities would be 20 percent to 40 percent higher if effluent disposal occurs in sensitive watersheds where removal of septic systems would be necessary.

SOLID WASTE DISPOSAL⁴¹

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.

Edgartown is a member of the Martha's Vineyard Regional Refuse Disposal and Resource Recovery District, which handles its waste management. In addition, several private companies are involved in collection, consolidation, and off-Island shipment of waste, independent of any governmental functions. Each town has its own waste transfer station, often at former landfill sites, all of which incorporate deposit of materials for recycling.

⁴¹ Martha's Vineyard Commission. *Island Plan 2009*. February 2010.

TRANSPORTATION

Roadways

During the summer, there are several intersections and roads in Edgartown that have been highly congested for a long time and feature longer delays of up to twenty minutes at certain times. Although the delays are presently less problematic off-season, traffic growth in the shoulder season threatens to negatively impact mobility in the off-season, too. Two areas of high congestion in Edgartown are:

- Upper Main Street, Edgartown: This commercial corridor with many access points is also a rural major collector. Two other rural major collectors (Edgartown-West Tisbury Rd. and Cooke St.) also converge on this corridor, resulting in high levels of summer congestion.
- The Triangle, Edgartown: The convergence of Beach Road and Edgartown-Vineyard Haven Road (both rural minor arterials) results in delays of well over a few minutes at times, especially for vehicles entering and exiting Edgartown-Vineyard Haven Road.

As traffic volumes on main roads approach their design limits at peak hour, more and more traffic is being channeled onto local roads in order to avoid congested intersections.

The fact that certain roads and intersections are congested for several months of the year does not mean that there should be physical changes. The challenge is how to deal with increases in population and traffic with a historic road network, and keep congestion within bearable levels.

In cases where expanding a road's capacity would result in a significant detriment to the surrounding environment, the decision should be against the expansion. There needs to be a balance between the unique experience and environment of Martha's Vineyard and the travel demands.

With continued community desire to keep the infrastructure similar there is a need for increased tolerance in travel delays and more real-time information to be able to choose to avoid the congested locations at peak times, a change to transit or other alternate mode in the busiest times, and careful consideration in zoning toward a viable yet comfortably walkable, bikeable, and transit-friendly area. Alternatives to road improvements that should be considered where roads are chronically at or over capacity include:

- Increase alternate mode use, e.g., the use of bus, taxi, bicycle and foot; if one commutes one out of five days per week via an alternate mode there is a 20 percent home to work trip reduction
- Limitations on use, such as restricting oversize vehicle traffic or restricting vehicle traffic in certain areas
- Converting some two-way roads into one-way roadways for an improved circulation system, where feasible
- Land use, zoning, and site design aspects that facilitate walking, biking, and transit use
- Traffic management techniques, such as providing information on congestion so that others may avoid getting into the queue, if possible.

Public Transit

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. Due to the great success of a two-year pilot program funded by the towns, the VTA is able to provide public transit service to twelve of these established fixed-route corridors throughout the off- season.

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. 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.

Park and Ride

There are two Park-and-Ride lots on the Vineyard, one in Edgartown and one in Oak Bluffs. These are primarily intended to serve employees (freeing up in-town spaces for shoppers), ferry passengers, and visitors. The Vineyard Transit Authority links these lots to town centers.

The Edgartown lot has a capacity of 150 and is free of charge. Only a short walk to downtown, it is serviced by shuttle bus five months a year. This lot uses less than half its capacity in the shoulder months, but operates three-quarters to full in July and August.

Sidewalks & Shared Use Paths

Most of the Vineyard's sidewalks and shared use paths dedicated to non-motorized travel lie in the Down-Island towns of Tisbury, Oak Bluffs and Edgartown. The relatively compact nature of these town centers are conducive to walking and cycling, but gaps in the infrastructure, narrow road rights-of-way and competition for vehicles traveling and parking are impediments.

The bike paths provide direct links between the Down-Island towns, but stop at the perimeter of the downtowns and, notably, do not connect to the ferries. Bicycles are thus reintegrated with motor vehicles at the very places where the roadways are the most congested.

Downtown Edgartown is characterized by narrow lanes and narrow brick sidewalks both of which are heavily congested by cars and pedestrians in the high season. There are fewer sidewalks outside of downtown Edgartown though the town does have a broad network of shared use paths which lead from the outskirts of downtown to South beach, Oak Bluffs, Tisbury and West Tisbury.

Proposed improvements in Edgartown include:

- Redo Edgartown sidewalks between Upper and Lower Main Street.

- Create a SUP along the eastern and northeastern perimeter of the Manuel Correllus State Forest to complete the perimeter loop of the Forest
- SUP from Chappy Ferry landing on Chappaquiddick to Wasque

Ancient Ways

The Vineyard has a large network of unpaved paths and trails, many times more extensive than the shared-use paths. As with the SUP network, these trails provide walkers and, often, cyclists an important alternative to the roadways. More importantly, the trails greatly expand the network available to non-motorized traffic, connecting neighborhoods to one another and to public lands, or providing “short cuts” to nearby destinations.

Edgartown has a large network of these paths which are designated by a Special Ways Zone. Many of these trails - commonly referred to by the loose designation “ancient ways” - were the Indian paths and settler roads of yesteryear, connecting villages and running to great ponds and woodlots. Across the Island, more than a dozen trails contain an historic connection to the Vineyard’s cultural past, with remnants of dozens of old cart paths predating the automobile, and even European settlement of the Island.

Boat Access

Harbor

Edgartown has a harbor with anchorage or marina facilities for 102 transient recreational boats in addition to hundreds more marina dockages, harbor moorings and anchorages used by residents.

Off-island ferry

Pied Piper: Falmouth - Edgartown Ferry & Charter Service operates this 120-passenger seasonal ferry service between Falmouth and Edgartown.

Chappaquiddick Ferry

The Chappy Ferry provides the primary vehicular access to and from Chappaquiddick, in Edgartown, between the peninsula (and occasional island) and the main island of Martha's Vineyard. The crossing is in downtown Edgartown at the Wharf where the harbor narrows to just 550 feet. The ferry operates year-round from about 6:45 a.m. to 8:00 p.m. weather permitting, with another hour or two in the later evening. This ferry service has three vessels that carry three vehicles at a time. One ferry runs in the off-season, but two run simultaneously in the summer when the demand swells with summer residents and visitors.

With two ferries running, approximately thirty vehicles per hour can be transported in both directions. While the restricted capacity effectively controls the pace at which additional vehicles are released onto Chappaquiddick, and conversely back to downtown Edgartown, the demand to make the trip creates vehicle queuing on many days in the summer for users on both sides of the harbor. Waits of more than an hour increasingly occur.

Queuing on the narrow downtown Edgartown streets can extend a few blocks at peak times and coordination requires at least two traffic control officers. The backup in the narrow downtown streets of Edgartown at peak times does block residents' driveways and create impassable roadways. The queuing in downtown Edgartown varies from hour to hour and day to day making it difficult to count the total hours of delay.

In the spring of 2015, the Town of Edgartown resumed exploring ways to reduce ferry queuing, to reduce interruption of public roads and private driveways, and to better accommodate demand to get to and from Chappy. Initial short-term measures identified include providing real-time information to drivers about the length of the queue and the likely wait. Two new cameras were added to Simpsons Lane that show the queue line on the Chappy Ferry website. Further study is needed on possible longer-term strategies, which may include reservations, remote staging, separate ferrying of cyclists and pedestrians, and /or adding a ferry operation away from downtown.

Air Travel

Martha's Vineyard Airport

Air travel accounts for about 5 percent of passenger travel to the Island. Martha's Vineyard Airport (MVY): This is an FAA-certified non-hub commercial service airport, which provides general aviation, air carrier, and freight service to the Island. Located in the towns of Edgartown and West Tisbury, the airport is near the Island's geographic center. The airport has two runways, an airline passenger terminal, air traffic control tower, aircraft parking areas, fueling facilities and aircraft rescue/ firefighting and maintenance facilities. A business park adjacent to the airport offers industrial and commercially zoned lots for non-aviation use.

Katama Airfield

This visual flight rules grass strip airfield, is open to recreational aircraft from May to October. Sited in an environmentally sensitive sandplain grassland, any expansion must conform to the Katama Plains Management Agreement, which is administered jointly by the Nature Conservancy and the Town of Edgartown's Conservation and Airfield Commissions. Development must also conform to the regulations enacted by the MVC for the Katama Airport District of Critical Planning Concern.

SCHOOLS⁴²

The Martha's Vineyard six public schools and the MV Public Charter School provide education from pre-kindergarten to grade 12, which are generally recognized as being of excellent quality. 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.⁴³

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 with the exception of the Chilmark School which only goes to the fifth grade. Chilmark is also the smallest school with an enrollment of 48 students in 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 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 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 make 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.

⁴² Massachusetts Department of Elementary and Secondary Education. *School and District Profiles*. <http://profiles.doe.mass.edu/>. Accessed 9/8/16.

⁴³ Martha's Vineyard Commission. *Island Plan 2009*. February 2010.

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 make 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.”⁴⁴

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 of these 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.

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

The Edgartown zoning bylaw includes a variety of provisions to encourage creation of affordable housing, diversity of housing types, assisted and independent living, and employee housing. Edgartown also has homesite provisions for residents of Edgartown.

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).⁴⁵

⁴⁴ US Department of Education: National Blue Ribbon Schools Program. <http://www2.ed.gov/programs/nclbbrs/index.html>. Accessed 9/8/16.

⁴⁵ 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.

OVERVIEW OF ZONING BYLAWS FOR RESIDENTIAL USES⁴⁶

Residential Uses Permitted

The Edgartown Zoning Bylaws include five residential districts that range in minimum lot size requirements from about one quarter acre to three acres. The B-I Business and B-II Upper Main Street districts allow mixed residential and commercial uses.

Residential & Mixed-Use Districts	Minimum lot size	Residential Use Permitted	
		By Right	By Special Permit
R-5	10,000 s.f. (just under ¼ acre)	Detached single-family dwelling Guest House (up to 900 s.f.) on lot at least 15,000 s.f. Two-family dwelling on lot at least 15,000 s.f.	Conversion to transient residential facility Conversion to three-dwelling structure on lot at least 15,000 s.f. Guest House (over 900 s.f.)
R-20	½ acre	Detached single-family dwelling Guest House (up to 900 s.f.) Leasing rooms for up to four boarders (must be owner-occupied)	Construction of two-family dwelling on lot at least 15,000 s.f. Conversion to two-family dwelling on lot at least 15,000 s.f. Guest House (over 900 s.f.)
R-60	1 ½ acre	Detached single-family dwelling Guest House (up to 900 s.f.)	Conversion to two-family dwelling on lot at least 15,000 s.f. Guest House (over 900 s.f.)
R-120 (Chappaquiddick)	3 acres	Detached single-family dwelling Guest House (up to 900 s.f.) only on lot of at least three acres	Guest House on lot less than three acres
RA-120	3 acres	Detached single-family dwelling Guest House (up to 900 s.f.)	Guest House (over 900 s.f.)
B-I	5,000 s.f. (just under ¼ acre)	Detached single-family dwelling Guest House (up to 900 s.f.) on lot at least 15,000 s.f. Two-family dwelling on lot at least 15,000 s.f.	Conversion to transient residential facility Conversion to three-dwelling structure on lot at least 15,000 s.f. Guest House (over 900 s.f.)
B-II	6,500 s.f. (just under ¼ acre)	Detached single-family dwelling Guest House (up to 900 s.f.) on lot at least 15,000 s.f. Two-family dwelling on lot at least 15,000 s.f.	Conversion to transient residential facility Conversion to three-dwelling structure on lot at least 15,000 s.f. Guest House (over 900 s.f.)

Other Residential Uses Permitted

Assisted Housing for seniors (age sixty years or over) or disabled persons of up to 3,800 gross square feet is permitted in any zoning district through a special permit from the Zoning Board of Appeals.

Island Independent Living (up to four units in a building of not more than 3,800 gross square feet) for “single persons, single parents, widows, widowers, seniors, or exceptional persons” is permitted in any zoning district by special permit from the Zoning Board of Appeals.

Accessory apartments are permitted for single-family dwellings by special permit in any zoning district, however only if there is no guest house and the property must be owner occupied.

⁴⁶ Edgartown Zoning Bylaw does not appear to have a definition of “family.” These definitions can also pose Fair Housing issues if they distinguish between related and unrelated people rather than focus on households that function as a cohesive unit.

Staff Apartments are permitted for employees working in the Town of Edgartown. The apartments are owned by the employer and can be in a single structure or multiple structures on a property by special permit in any zoning district. The structures can have up to eight units and up to 4,500 gross square feet.

CLUSTER DEVELOPMENT AND INCLUSIONARY ZONING INCENTIVE

Note that Section 11.15 under Article XI allows for a multi-unit dwelling of up to four units in a single building in cluster developments by special permit from the Planning Board in all residential zones. Cluster developments are permitted through Article XII and offers a density bonus for affordable housing units. Overall, the cluster development provisions allow for 1.1 times the density of the underlying zoning (e.g., if underlying zoning allows ten units on the lot, a cluster would provide one additional for eleven units total). Regarding affordable units, the bylaw provides a further bonus for multi-family buildings with units for year-round occupancy of households below the “current Island average” – these units are only counted as half of a unit for purposes of calculating total density.

AFFORDABLE HOMESITES

Section 11.20 of the zoning bylaws permits a special permit by the Zoning Board of Appeals for substandard lots to be used for “homesites” for “people who have lived in Edgartown for a substantial time, who intend to live year-round in Edgartown, but who, because of high land prices, would otherwise be financially unable to establish their homes in Edgartown.” The lots must be a minimum of 10,000 square feet. The Edgartown Homesite Committee establishes regulations regarding income eligibility and resale.

DEMOLITION DELAY

The zoning bylaws establish a demolition delay of up to thirty days to allow the Dukes County Regional Housing Authority (DCRHA) to determine if it (or its assigns) wants the structure for affordable housing. If DCRHA wants the building, it must remove it within sixty days.

DEVELOPMENT RATE/BUILDING PERMIT LIMITATION

Subdivisions may not exceed ten lots in any twelve-month period without a special permit from the Planning Board, but such special permits can only be granted if the owner covenants that they will not convey or build upon more than ten lots in any twelve-month period.

OVERLAY DISTRICTS

- **Planned Development (Overlay Districts to R-20)** – The purpose of this overlay district is to encourage a mix of land uses and activities and building types that complement each other. The district allows, by special permit, development of townhouses of up to ten units that can exceed underlying zoning density by up to 75 percent and single-family units up to 25 percent.
- **Coastal District** – No residential in the Shore Zone but single-family is allowed in the Inland Zone.
- **Island Road** – Allows uses per the underlying zoning district but limits vehicular access and height of structures.
- **Special Ways** - Allows uses per the underlying zoning district but limits fences, vegetation removal, and vehicle use

- **Special Places** – Sampson’s Hill, Chappaquiddick – structures cannot break the skyline without a special permit from the Planning Board.
- **Cape Pogue** – requires a special permit for any development including dwellings and prohibits more than one dwelling per lot.
- **Katama Airfield and Conservation Area District** – Residential dwellings are permitted.
- **Edgartown Ponds Area District** – Single-family dwellings are permitted in Zone 2 and 3.

2014 MVC ZONING ANALYSIS

As recognized in the 2014 MVC Zoning Analysis report, Edgartown zoning bylaw provides for a variety of housing types including incentives within its cluster zoning provisions for below-market rate housing:

- Allows two-family dwelling development and conversions by right or by special permit depending on the zoning district and three-family conversion by special permit in one (or three) districts
- Demolition delay with notice provided to housing entities
- Allows dormitory housing for employees
- Allows staff apartments
- Allows assisted living, independent living, and family apartments
- Cluster development provisions with density bonus for below-market rate units

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

HISTORIC DISTRICTS

Edgartown adopted a Local Historic District per MGL c.40C in 1987 for portions of Main Street and South Water Street and the surrounding area. Towns may establish local historic districts to protect historic resources. Property owners must submit any exterior changes that are visible from a public way, park, or body of water to a local district commission for approval. A variety of exterior features are often exempt such as air conditioning units, storm doors, storm windows, paint color, and temporary structures. The decision on which features are exempt from review depends on the specifics of the local bylaw. The Edgartown Historic District includes the power to review color of exterior features, but not storm/screen doors and storm windows, light fixtures, or sidewalks, among other elements.

CHAPTER 7

IMPLEMENTATION CAPACITY & RESOURCES

Island-wide Organizations

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

Dukes County Regional Housing Authority (DCRHA)⁴⁷: 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% 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 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)⁴⁸: 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).

⁴⁷ Dukes County Regional Housing Authority. <https://housingauthoritymarthasvineyard.org/>. Accessed 8/27/16.

⁴⁸ Island Elderly Housing. <http://www.iehmv.org/about-us/>. Accessed 8/27/16.

- 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):⁴⁹ 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)⁵⁰ 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.

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.

⁴⁹ Island Housing Trust. <http://www.ihtmv.org/about/>. Accessed 8/27/16.

⁵⁰ 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.

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 in essence 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 Commission⁵¹: 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 the purpose of preserving land and creating affordable housing. In addition, the following Land Bank policies support the development of housing:

- In order 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 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 15 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. The majority of 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.

⁵¹ Martha's Vineyard Land Bank Commission. *Affordable Housing Policy*. October 27, 2009.

COLLABORATION

Many of these organizations, true to their own mission 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 of 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 HFHMHV.

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

Edgartown 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.

Edgartown adopted CPA in 2005 with the maximum local property tax surcharge of three percent. In addition, the town adopted an exemption on the first \$100,000 of residential property value.

Edgartown has raised \$8,992,533 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).

Affordable Housing Committee

Edgartown's Affordable Housing Committee consists of seven members and is staffed by the town's Affordable Housing Administrative Assistant. The goal of the Affordable Housing Committee is to provide homesites at less than market price for people who have lived in Edgartown for a substantial time, but because of high land prices are unable to establish their homes in the town. The program is intended to serve a clear need, lessen situations of hardship, and to retain a stable and diversified year-round community in Edgartown. In addition, the Affordable Housing Committee has been very active in evaluating and proposing town sites for affordable housing development, including the pending initiative at the property off Meshacket Road (Site #14 on the Potential Site for Affordable Housing Map).

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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