

13 October 2005

To: MV Commission
 Re: Cozy Hearth – Answers to Questions

Dear Commissioners:

I respectfully submit the following answers to your and other interested parties questions. I will refer back to the following three detailed answers where appropriate in the course of answering the questions. I have done my best to provide answers to the questions and address your concerns. Please do not hesitate to contact me with any other questions or if you need clarifications on the answers that I have provided.

There are many questions below that could be answered with the following detailed discussion of three key issues; Waste Water, Traffic, and Economics of CHCC.

Issue 1: Waste Water

Cozy Hearth has three options on the table for waste water treatment; Composting Toilets, Primary Treatment such as Bioclere, and Primary with Secondary treatment (aka Package Treatment Plant).

The goal of the MVC is to minimize the amount of Nitrogen that flows into the aquifer via our sewerage. Standard Title V systems allow 39 ppm into the water supply. Primary treatment (Bioclere) allows 19 ppm which is the same amount that would be present with non-review development. Package Sewer Plant is 9 ppm and the composting toilets are 0 ppm. The economics of the CHCC allow us to afford either Bioclere at 19 ppm or Composting Toilets at 0 ppm. The ideal solution is the package sewer treatment plant with holding tanks larger than those of the West Tisbury School and an install price of between \$200,000 and \$250,000 with a minimum yearly maintenance cost of \$10,000 to \$15,000. However, this is an expense we can not afford. (please see attached chart)

The best solution for the aquifer is the composting toilet. The Edgartown Health Agent and the Edgartown Board of Health do not like these because of fears that they will be maintained incorrectly, and will require periodic inspection that if neglected can result in a health hazard that will then have to be addressed by the town. We have offered to have a yearly maintenance agreement with the manufacturer for quarterly maintenance and have been assured that we can bring our effluent to the Edgartown Waste Water Facility. We have been told that the Edgartown Waste Water Facility is current operating below 50% capacity at peak summer flow and that accepting the wastewater of the CHCC will not limit the use of other participants. The CHCC has will offer a firm commitment to use Manufacturer Maintenance Agreements (see attached sample agreement) and Licensed Septage Haulers.

I believe that the best solution that we can afford and that is supported by the Edgartown Health Official and the Edgartown Board of Health is a standard flushing toilet with Bioclere primary processing. This solution will bring the Nitrogen levels down to a level

that will be allowed by current Edgartown Board of Health standards for three houses and guest houses. Given that there is no one in the neighborhood now doing anything to mitigate Nitrogen flow into the aquifer, and in some cases residents are exacerbating the problem by spreading Nitrogen rich manure on the land, I feel that the two affordable options that we have tendered , offer a solution that both protects the aquifer and allows the members of CHCC to achieve an economically feasible result.

Issue 2: Traffic Safety

The issue has been raised about the traffic at the intersection of Oyster Watcha Road, Watcha Path, and the State Road and the safety of this intersection.

The MVC did a traffic survey at the peak of summer traffic (August 2005) and found the following: 22 cars per hour or one car every 4 minutes. From this survey the intersection was assigned a level of service “A” – the best possible level of service. The MVC traffic planner has indicated that even with the additional cars generated by the CHCC the intersection will still maintain its level of service “A”.

The CHCC paid an expert traffic consultant \$8,000 to study the intersection in depth. His conclusion was that the impact of the CHCC on this intersection would be minimal. The MVC traffic planner, Shrinivas Satoor, has agreed with this assertion.

The CHCC has met at the intersection with a representative of the Oyster Watcha Road Association (Warren Adams), the head of the Watcha Path Road Association (Chris Downing), the MVC traffic expert(Shrinivas Satoor), the local head of the Sheriffs Meadow Foundation (Dick Johnson) and Paul Foley. It was generally agreed that by implementing the following plan of action we can significantly improve the intersection:

- 1: improve sightlines between roads by clearing low branches and brush and moving mail boxes
- 2: add stop signs
- 3: Move mailboxes that belong to residents of Oyster Pond to a more appropriate location.
- 4:Reconfigure the tar apron and change the layout of the intersection of Watcha Path and Oyster Watcha Road as shown on the attached plan.
- 5: Create more turnouts for the Watcha Path such as the one shown on the new plans.

These exact improvements have been implemented at the intersection of Old Purchase Road, Codman Springs Road and the Edgartown – West Tisbury Road. These roads provide access to more than 100 homes and have no reported accidents in the last 5 years. The MVC traffic planner has studied this intersection and was the one to suggest that we emulate it at the intersection of Oyster Watcha Road and Watcha Path to achieve improved safety.

We have met with the Edgartown Post Master and she has agreed to let us reconfigure and move the mailboxes to improve visibility and safety at this intersection.

We have spoken with the Mass Highway representative and have received permission to cut brush and low branches in the highway layout to improve visibility. He commented that he would be happy to have us help him in this regard.

I have attached a plan of how these changes will look. I believe that these changes will solve the traffic safety problem. Warren Adams suggested that even if the CHCC does not go forward, he would like to see these changes implemented. The changes are currently being reviewed by the Oyster Watcha Road Association and the Watcha Path road association.

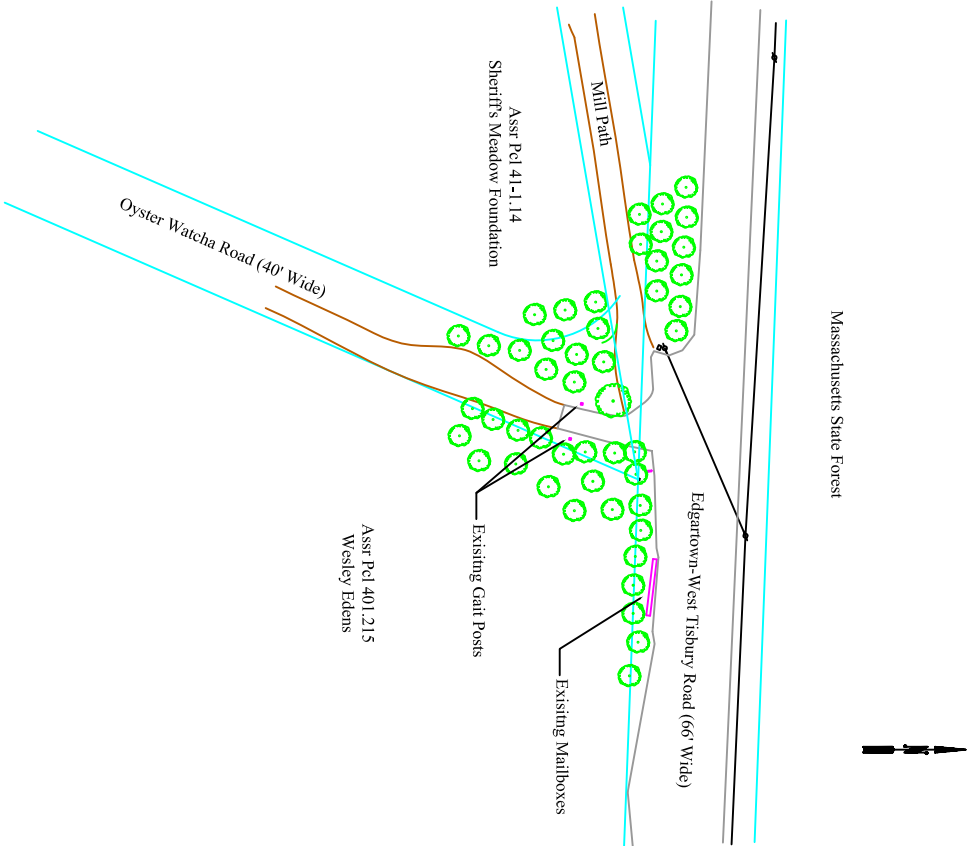
Issue 3: Economics of the CHCC

The CHCC is limited by Massachusetts State Law Chapter 40b to a profit of not more than 20%. Any excess profit will be payable to the Edgartown Affordable Housing Committee. All of the current members would qualify to live in the development if the resale restriction were enforceable for initial occupants. The CHCC is now and will continue to be non-profit. It will transfer all land and three houses (at the 80% median income level) to the initial occupants for cost or below cost. This amount will be less than what a comparable lot without a house on it would cost on the open market. This is why the development is an affordable housing development. Members of the CHCC will subsidize the 80% lots and houses. Most of the members of the CHCC plan on living in the development immediately.

It seems worth mentioning that Fairwinds Development in Vineyard Haven had 7 out of 12 homes at market rate. During MVC review there was little or no discussion of how much the occupants made for income, or how much profit the developer would make or who would get the profit etc. The MVC has been bogged down with these sorts of question concerning the CHCC that has only 3 out of 11 market rates lots. Why this interest? To what end? We are governed by the same profitability laws that any other 40B development is and will be strictly monitored for compliance.

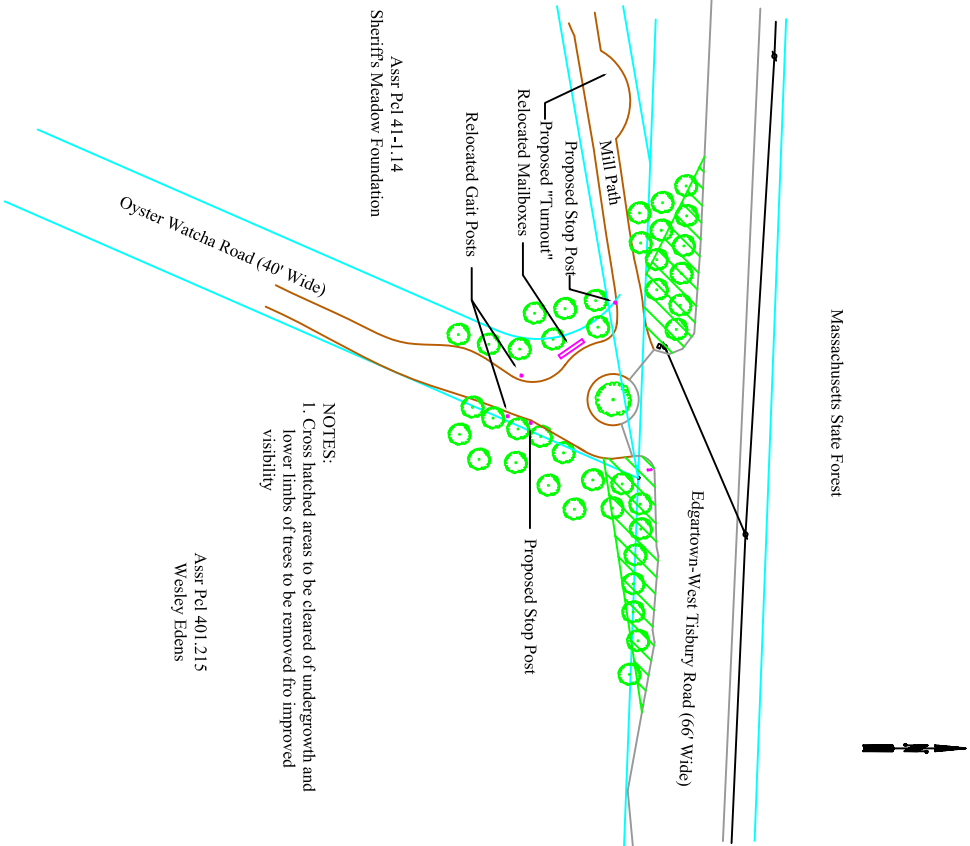
I think that it is important to clarify that there are no “investors” involved in the CHCC. There are only people who want to live on the island and can not afford to buy a house under current market conditions. Ten out of eleven members who will live in the CHCC either live here or have family currently living on the island. They are not rich. They are regular people who have a regular budget and can not afford an extra \$200,000 on their home mortgage to pay for the others in the group. Some members had more cash available at the outset of this project and were able to subsidize other members who were not so well off. We all started this group project with full knowledge of the economics and no-one in the group has any problem with these issues. If all of the members of the group were low income from the start then we would not have been able to even consider implementing our proposal. The members of the CHCC are confused about the level of interest that this issue has raised for the MVC. We are not in this for the money, we are in this for housing.

Intersection AS IS



PLAN OF LAND IN
EDGARTOWN, MASS.
PREPARED FOR
COZY HEARTH
COMMUNITY CORP.
SCALE: 1" = 50' OCT 13, 2005
SCHOFIELD, BARRON & BARRON, INC.
STATE ROAD, TOWN OF EDGARTOWN, MASS.
MP 9228

Proposed Changes to Intersection



NOTES:
1. Cross hatched areas to be cleared of undergrowth and lower limbs of trees to be removed for improved visibility

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Cozy Hearth Community Corporation -					
Sewer Options Chart					
		Kg N per Acre per Year	Cost	MVC	Edg. BOH
CHCC	Title V	39	\$88,000	NO	YES
CHCC	Title V with Bioclere	19	\$145,000	YES ??	YES
Edg Zoning - Non-review Houses		19	\$45,000	---	YES
CHCC	Bioclere Package Plant	9	200K + 15K / year	YES	YES
CHCC	Composting Toilets	0	\$165,000	YES	NO

Questions for Cozy Hearth (September 22-29, 2005)

Questions From Public Hearing on September 22:

Commissioners Questions 9/22:

Doug Sederholm: how will Cozy Hearth guarantee that individuals will follow the rules and the human element will be minimized?

The CHCC will contract on a yearly basis with the manufacturer of the composting toilet for quarterly maintenance of the units. We will only use Mass Licensed septage haulers to transport “tea” to the Edgartown Waste Water Facility. The CHCC will deliver proof of this contract to the Edgartown Health Agent.

Megan Ottens-Sargent: what’s the comparison of impact on Edgartown Wastewater between a Clivus house and a house that’s hooked up to Edgartown? Is the impact comparable?

The facility is currently running under 50% capacity at peak summer loading. According to a spokesperson at the facility, there is no concern that our waste will prevent others from using the facility. The *yearly* output of liquid waste from a Clivus system for a family of 3 is less than 100 gallons. Compare this to the *daily* expected flow from a family of three of 220 gallons based upon 2 bedrooms.

Mark London: in 20 or 50 years from now how will the public entities monitor that Cozy Hearth Clivus toilets are being maintained properly? Will anyone notice 20 years from now?

The CHCC will continue to report to the Edgartown Health Official for as long as we are required to do so.

Christina Brown: what might you consider as an alternative to Clivus mulching toilets?

Please see answer 1 above.

John Breckenridge: have you considered restricting building #5 to one story to reduce visual impact? Lot 5 is the closest to an abutter and most visible. (Lots were moved to keep them out of habitat area.)

We have not considered this. We could make it an 80% lot and have it be one story if you would like us to. It is also a possibility to move it to the north. When the lot was laid out this way we thought that we only had to avoid the habitat to the West but now that the whole land area is considered a habitat I see no reason why we couldn’t move the house. I will ask NHESP about this.

Linda Sibley said on the site visit she was struck by the openness of the space, would you consider landscaping plan as mitigation of the visual impact.

It is important to note that the current adjacent residents have clear cut their wooded lots to our property line. The existing houses can clearly see each other. The majority of our houses are clustered to the Northern side of our lots and therefore afford maximum shielding from the majority of our neighbors houses (those neighbors to the South). We are currently not allowed to do anything to the woods around the CHCC because of potential moth habitat restrictions.

James Athearn: Issues that need to be more fully addressed: Wastewater issue. Traffic issue. Not just a number of additional cars but access; the project needs a solution that we can live with; don’t see a clear detailed solution. Wants clarification of ownership of the road. How does it work if it needs to be widened?

Please see answers 1 and 2 above.

Katherine Newman asked for a comparison to co-housing’s composting toilets, specifically how the maintenance and human element has worked?

I have asked John Abrams to speak to the commission on this issue. He has requested time at the 6 Oct meeting.

Christina Brown asked for details about maintenance, alternatives to composting toilets, and the road association.

The CHCC will contract on a yearly basis with the manufacturer of the composting toilet for quarterly maintenance of the units. We will only use Mass Licensed septage haulers to transport “tea” to the Edg. Waste Water Facility. The CHCC will deliver proof of this contract to the Edgartown Health Agent.

Please also see answers number 1 and 2 above.

Paul Strauss said this is not a large project and two thirds will remain undeveloped; consider there might be even more benefit if the buildings were more clustered.

We are preserving 67% of our land and building our houses, roads, and leaching fields on 33% of the land. We physically can not squeeze any closer than we are now.

Linda Sibley asked for more specific info about methods to reduce visual impact and specifics about storage of vehicles, equipment, parking, noise, etc.

We will abide by all applicable Town of Edgartown Zoning Bylaws. These laws address issues such as you raise. These are the laws that our neighbors now abide by and we feel that existing laws are adequate safeguards against the issues that you raise in your question.

Megan Ottens-Sargent asked what the covenants are?

Please see attached sheets. I believe that a form of these covenants was originally submitted to the Board with our initial application.

Questions from Audience 8/22:

Ellie Parece, if one of the homes is sold and the person isn't part of the Cozy Hearth Corporation, how will Cozy Hearth oversee composting toilets?

The CHCC will contract on a yearly basis with the manufacturer of the composting toilet for quarterly maintenance of the units. We will only use Mass Licensed septage haulers to transport "tea" to the Edg. Waste Water Facility. The CHCC will deliver proof of this contract to the Edgartown Health Agent.

Ellen Kaplan, Mr. Bennett stated that he anticipates that, based on the expenses to date, the cost of each lot will be \$150,000. This means that Cozy Hearth needs \$1,650,000 from the sales of the lots to cover its development costs and make the project work. ($150,000 \times 11$). There are three unrestricted lots and the purchasers of those lots can immediately sell them for market value. If they paid market value, which I suggest is, conservatively, \$400,000 per lot, Cozy Hearth would only need to raise \$450,000 from the sales of the remaining lots. This means they could decrease the density, get the nitrates to a level which would not require composting toilets, decrease the environmental harm, decrease the traffic, etc and sell lots to people with lower incomes at a lower price. In addition, five others, who are members of the corporation, will buy lots for \$150,000 regardless of their present incomes, and their profit on resale of the lots will not be as restricted as the lots purchased by non-members whose income is no more than 80% of AMI. Why are the people who need affordable housing subsidizing the people who can afford to pay market rate and whose profit on resale is unrestricted or lesser restricted?

I appreciate your input. This is not how we have structured our community.

Paul Hannigan wanted to know when the public can review and respond to answers.

Answers will be posted on the MVC website for the week prior to the meeting on 20 Oct.

Karen Hannigan asked if they'd found a conservation group to oversee the protection of conservation land. Cozy Hearth will maintain interior road; She asked whether all 11 lots would contribute the dues (\$1500) to the Road Association that is assessed to other electric tie-ins along Watcha Path?

When there are eleven lot s, each lot will contribute to the annual road associate dues. We have purchased the right to tie into utilities for all of our lots. This purchase made no reference to a cost per lot. We owe no more money for utility access.

Robert Green thanked the commission for the site visit. He feels that \$4,000 will not solve the road and intersection problems. He asked if lenders won't lend on restricted properties, how will people get loans.

Please see answer #2 above.

Geoff Patterson said they need to be looking at nitrogen issues in terms of 200 years from now; who's taking care of things for the future.

That is a very interesting question. I have no idea how things will be in 200 years.

Commissioners Questions received via e-mail (Sept 22-29):

NOTE: All questions received by e-mail whether from Commissioners or the Public are presented as received with the exception of the Hannigan's Questions/Letter at the end. That letter has been edited to cull the questions from the statements. The entire text will be included in Commissioner's packets and posted separately.

Here are questions that I'd like answered before the DRI 584 – Cozy Hearth – public hearing is closed. They feel more like questions for the MVC staff than for the applicant, but I'll take answers from any qualified source. Thanks.

1. What will Edgartown's affordable housing numbers be after the approved affordable housing developments and known individual building projects are completed (Jenny Lane, Pennywise Path, Chappy, etc)? How many affordable housing units will the town have and where will Edgartown stand relative to its 10% state target?

I do not know. I believe that the MVC staff is working on this answer.

2. How many existing primary homes and guesthouses are currently accessible via Watcha Path? Using a best-guess rule of thumb, what is the guesstimated nitrogen load of those dwellings, assuming that the primary residences are occupied 100% of the year, the guest houses are occupied 50% of the year, and standard septic installations are in place without any special nitrogen treatment capabilities?

I do not know. I believe that the MVC staff is working on this answer.

3. If all the land that is accessible from the existing length of Watcha Path were developed to the fullest extent allowed by Edgartown zoning bylaws – without need for town special permits or MVC DRIs – what would the numbers be, including the three Cozy Hearth lots as regular lots? Specifically, how many primary homes and guesthouses would there be? What additional nitrogen load would be added, using the same assumptions as in question 2?

Thanks. Ciao. Mimi

I do not know. I believe that the MVC staff is working on this answer.

I have the following questions for the applicant:

1. Since the Edgartown Board of Health has expressed a strong preference that the MVC not assume that composting toilets will reduce the nitrogen load from this project (because of the unreliability of the human component) and since the project must significantly reduce its nitrogen load to meet the MVC guideline for the Oyster Pond watershed, would the applicant consider installing a package treatment plant to address the issue?

Please see answer number 1 above.

2. What is the estimated cost of installing a package treatment plant for this project?

The cost of such a plan is \$200,000 to \$250,000 with a yearly maintenance cost of between \$10,000 and \$15,000. This solution is too costly for our affordable housing project.

3. If the MVC approved this project with the condition that the applicant reduce the nitrogen load in its waste stream by using a package treatment plant, how would this affect the finances of the project?

It would make the project non-viable. If we had applied for 12 lots and could sell one to finance the plant it could work except that the high maintenance costs would surely be a large burden on homeowners. Please see answer number 1 above.

4. Is there any other way the applicant can reduce the nitrogen load in its waste stream to meet the MVC guideline for the Oyster Pond watershed? If so, provide details of the method, cost and effect on the project's finances.

Please see answer number 1 above.

5. What is the estimated cost of installing an amphidrome treatment system for the project? Has the applicant explored with the manufacturer of this system the possibility of using an amphidrome system with additional technology that would increase the amount of nitrogen removed from the waste stream? If so, what is the cost and is it financially feasible for this project? Perhaps the amphidrome manufacturer can provide a system that is less expensive than a package treatment plant but will do a better job at removing nitrogen than a standard amphidrome system. It seems worth exploring with the manufacturer's engineers. We have discussed this at length with Amphidrome and Bioclere. The costs are prohibitive. There is a new technology that is economical that uses an osmotic membrane and is currently under consideration for licensing in this state. If this becomes available we would welcome it.

Thanks, Doug Sederholm

Hi Paul-

Can you get an answer to the question I asked at the last Public Hearing-

With respect to the E'Town wastewater plant, how much capacity would the clivis waste material take up?

The concern is that "X" # of houses would not be able to hook up to the WW plant in the future-

The facility is currently running under 50% capacity at peak summer loading. According to a spokesperson at the facility, there is no concern that our waste will prevent others from using the facility.

Also- who would collect the waste? Is "human error" a factor? Can this be addressed in the covenants, and can we specify what should be in the covenants at this point in the public process?

Massachusetts Licensed Septage Haulers would transport the waste from CHCC to EWWF.

As to financing an alternative septic system - I am curious as to why at least 1 of the 3 market houses isn't financing this project more.

Because they can not afford to. They are not rich. They are regular people who have a regular budget and can not afford an extra \$200,000 on their home mortgage. The three unrestricted lots go to people who are going to live on site. They would buy a lot somewhere else if they could afford to. This development was made so that they and all of the others could afford to live here on the island just like you do.

Is it the constraints of 40B that make this unrealistic? I'm specifically referring to the 20% profit limit.

If this were a normal 40B and I was normal developer then I would have to make less profit and install the system and I would not care if the home owners where burdened with a \$1,000.00 + per month maintenance fee. But the fact is that the members of the CHCC and future residents have to pay for this them selves on top of the cost of land and house. The costs are just too high.

Thanks-

Megan

RE: Cozy Hearth

1. Clarify what type of building massing and styles are proposed. Will all the houses be Cape Cod style and what is meant by this? Cape Cod style normally refers to a house that appears to be one or one and a half stories high, even though there may in fact be a second floor, lit with windows in the end wall and with dormer windows (the springing point of the gable roof is just above the ground floor windows). Some of the photos of sample houses provided by the applicant are like this. However, others photos have a two-story high vertical façade with the roof springing from above the second floor windows, normally called Colonial Style. This produces a much more massive looking building. In order to reduce the visual impact of the proposed buildings on abutters, could the applicant propose guidelines limiting the heights and styles of houses, while at the same time seeking a certain amount of variety and of scaling down potentially large buildings?

We will follow the Edgartown zoning bylaws as they pertain to heights. The houses in the development will be small by necessity – people can not afford big buildings. The buildings that we will build will fit in with what is currently in the neighborhood right now.

2. Several recent Vineyard housing projects have included buildings where two or three houses are joined into single buildings. This reduces the total number of buildings on the property. This was done in the version of the Fairwinds project that was approved by the Commission as well as Bridge Housing; in both cases, the total number of buildings was fewer than the number of houses, as each contained buildings with two houses in them. In the case of Bridge, all the buildings were duplexes. Chilmark's Middle Line Road project includes some triplexes. Would the applicant consider combining several pairs of buildings into semi-detached buildings in order to reduce the total number of buildings on the property?

This is not part of our application.

ML

Questions received from the Public via e-mail (Sept 22-29):

Questions for Mr. Bennett regarding Cozy Hearth
 From Steven and Ellie Parece
 9 Watcha Lane

9/29/05

1. If one of the homeowners were to sell their home, the new homeowner would not be a member of Cozy Hearth. How would you monitor their actions as to your guidelines?

Membership in the CHCC comes with the deed to the lot. What actions do you mean? Which guidelines? It is important to remember that we will have to abide by the same zoning bylaws that apply to you and everyone else in the town.

2. As we understand, you are limiting the size of the homes. What is to prevent a present or future homeowner from expanding beyond these guidelines?

We have generically stated that most of the homes would be between 1200 and 2000 square feet by economic necessity. I feel that a growing family should be able to add another bedroom to their house (if they start with two) or a larger family room. This seems to be the normal right of a homeowner.

3. The division of Fisheries and Wildlife mandated that the "protected open space would need to be protected and marked permanently with some visual barrier". Their example was with iron bar and split rail fence. You have stated that your intent is to solely use concrete bound markers. Without fencing it would seem that the bound markers would easily become overshadowed by undergrowth or even leaves making enforcement difficult at best. Have you received approval from Natural Heritage to forego fencing?

They suggested split rail as an option not a necessity. We will use cement boundaries and have obtained verbal permission to do so from NHESP.

4. Due to the density of the zoning override you are requesting, the 65% traffic increase would obviously have a detrimental impact on Watcha Path. You provided an estimate for possible solutions at the West Tisbury Road intersection to alleviate congestion. In order to have an accurate estimate, you would have had to present the contractor with specific plans or sketches of your proposal. We would like to see these plans to understand exactly where you are planning to connect to Oyster Watcha or West Tisbury Road. Also, what would become of the abandoned section of Watcha Path?

Please see answer number 2 above.

5. Because of the clearing restrictions imposed on you by the Natural Heritage Foundation, the excavation of the property has some logistical problems in dealing with earth stockpiles, trucking deliveries etc. Could you tell us your development plan to minimize encroachment on these sensitive areas?

Our excavator is well aware of this issue and has indicated that he has plenty of room to complete his work in the allotted space.

6. The project is to be constructed on a down gradient. Run off from the site crosses Watcha Path and ends up in sensitive conservation land and inevitably in Oyster Pond. As the sight exists, present topsoils and forest mat minimize the erosive nature of the underlying soils. In the short term, during construction, how do you propose to prevent silt from entering the conservation land? More importantly, in the long term, what design criteria will you implement to protect this fragile habitat from continuing erosion and silt build up caused by heavy rains and generated by the access road?

We will work with and continue to be members of the Watch Path Road Association to find solutions to these issues.

7. Several of the potential homeowners are unmarried couples. Did the financial qualifications towards your low-income guidelines consider both incomes and will the property be owned jointly?

There are 8 lots that have deed restrictions for *resale* based upon income.

8. You have estimated the individual lot costs at \$ 180,000.00 and home construction at \$ 150,000.00 to \$ 200,000.00. Will you have letters of commitment from a mortgage lender for each of your potential homeowners and do you have verification of each member's financial viability at these figures?

All of our members are pre-qualified at various banks for mortgages.

9. Is Cozy Hearth in the position to receive any state or federal grant money? Has this been taken into account concerning your profit margin?

No and no.

10. As abutters, we are very concerned with the impact that exterior lighting will have on our surroundings. How specifically do you plan to mitigate exterior lighting?

We have to use low impact lighting so that we do not disturb the moths. This will be part of the conservation agreement and is the covenants agreement that we have supplied to the MVC.

Questions regarding Cozy Hearth

9/29/05

To: Bill Bennett

From: Robert Green

77 Watcha Path

1. You stated that one lot would be given to your daughter who is still attending elementary school. Will that lot be built on and rented until she can take ownership?

I have not made this decision yet.

2. What would be the sequence of construction for building the eleven homes?

The three at 80% would be built immediately. I would expect that the others would want to start building as soon as possible.

3. Will the two investors from off island be year-round or seasonal residents?

We have no investors. We have people who want to live here. I do not know the answer to your question.

4. As someone who has lived with a composting toilet for several years in the past I have some knowledge on how the system works. As stated by the Edgartown Board of Health I feel there are some practical questions that should be answered. Are you aware that the Clivis Multrum Systems are actually two systems, one for solid and one a grey water and pump system and that a SAS soil absorption system similar to a leaching field is required? Are you aware that they must meet the same requirement as a Title V including soil samples, set back for wells and that a civil engineer must be involved? Are you aware that while a maintenance contract is required, the ultimate responsibility of the system is with the users? Will there be an onsite-trained person to monitor these systems? Will you require updated service reports to the town board of health? Who will bear the cost of the implementation and maintenance of the systems?

I am well aware of these points. Schofield Barbini and Hoehn are our civil engineers and they are engineering our systems so that they are up to code. Please see answer #1 above.

5. In the last meeting, you stated that some of the affordable housing applicants do not necessarily meet affordable housing status. Your lawyer assures you are in compliance with your articles of organization. Are you in fact a non-profit corporation in compliance with the non-profit status of your corporation?

Yes we are. I stated that my applicants do meet income guidelines but do not necessarily have to.

6. Will each of the homeowners be responsible for paying the road association fee which is currently \$150 per household? Will you maintain the road during construction?

Yes and Yes. We plan to work closely with the WPRA to keep the road working as good as it works now or better.

Date: September 27, 2005

To: The Martha's Vineyard Commission

Re: Cozy Hearth

When answering questions put by the Commission, Bill Bennett said the Cozy Hearth members did meet the income level guidelines, then he said some did, then he said none did. I am confused. Do the Cozy Hearth members meet the income level guidelines?

I stated that my applicants do meet income guidelines but do not necessarily have to.

Are all the cozy Hearth members year round Island residents? No. Will they be?

I don't know what the life plans of the applicants are.

Does Cozy Hearth intend to do screening plantings that would lessen the impact on the existing neighborhood? If so, to what extent, and what might those plantings consist of?

We are not allowed to plant any thing in the conservation area per the NHESP.

If screen plantings are installed do they have to be within the 30% land use area?

There will not be room in the 30% area for any planting.

Other than the Clivus Mulchem toilets, what options is Cozy Hearth considering for dealing with the nitrogen issue?

Please see answer number 1 above.

Fence lines are easily observed from a distance. Concrete bounds are only visible by inspection while on the property. Would Cozy Hearth consider fencing as well as concrete bounds to delineate the no cut zones?

Will Cozy Hearth consider covenants regarding automobiles, work vehicles, and any other commercially related items?

CHCC will abide by all applicable Town of Edgartown Zoning Bylaws.

What systems will be put in place to ensure that any restrictions or covenants are adhered to so that the existing abutters will not be responsible for monitoring their neighbors?

Please see attached covenants.

Corporations dissolve every day for any number of reasons. If Cozy Hearth is responsible for enforcing any restrictions, guidelines, or covenants, what mechanisms will be in place to take over if Cozy Hearth dissolves or goes bankrupt etc.?

CHCC will not go bankrupt.

What will be the set back requirements for the new construction?

We have limited space because of the NHESP conservation restriction. We will try to abide by town zoning as far as set backs are concerned but it may not be possible to meet setbacks on the lot lines between lots of the Cozy Hearth – we will meet all setbacks on the perimeter of the development.

Will outbuildings such as sheds and garages be allowed?

We will abide by all Edgartown Zoning Bylaws.

After the duration of the proposed restrictions to the properties expire will the buildings be open to additions and expansion?

We have not put any restriction on a families right to expand their house as they see fit.

What will happen if pre-fab houses are used for some of the lots, and then when the units arrive it is found that more tree removal will be required on Watcha Path or the Cozy Hearth properties to allow the delivery of the buildings?

We have been assured by our house supplier that the homes will fit.

What is the final proposed plan for the traffic issue? Has future development on Watcha Path been taken into consideration in this plan?

Please see answer number 2 above.

Will the Present Watcha Path neighborhood have any say in what happens with the road?

I don't understand. We will be part of the WPRA so we will all work together on this.

Geoff Patterson

Dear Mr. Foley:

WE ASK MR. BENNETT TO PUT FORTH A MORE FORMAL PRESENTATION WITH FIRM ANSWERS AND MORE VISUAL DOCUMENTATION OF WHAT HE IS PROPOSING.

WE ASK THAT MR BENNETT SHARE HIS COVENANTS AND GIVE US SOME REAL HOUSE PLANS AND VISUALS. NOT JUST... MAYBES OR RANDOM STOCK DRAWINGS OF SOMEONE ELSE'S HOUSE. ...BUT OF WHAT IS ACUTALLY GOING TO BE BUILT.

As part of a 40B application it is required of the developer to supply, as part of his application, drawings stamped by a certified Architect, scaled architectural drawings showing all 4 elevations and also to list the exterior finish of each house. SEE DOC # 2. We acknowledge that the Martha's Vineyard Commission is not reviewing this project as a 40B, but if Mr. Bennett has detailed plans as part of his 40B applications to other agencies, why has he not shared them with us to date?

We would be glad to forward these drawings from the modular website to you that we used successfully at Mass Houseing.

WE WANT SOLID DOCUMENTATION OF WHAT HIS PROPOSED HOUSE PLANS ARE. WE WANT TO KNOW WHAT THE SOLID ANSWERS TO THE ROAD ISSUES ARE BEFORE A VOTE IS TAKEN, WE WANT TO KNOW THAT MODULAR HOMES CAN EVEN FIT INTO THIS LITTLE ROAD AND MAKE THE NECESSARY CORNERS WITHOUT HAVING TO CUT TREES OUTSIDE OF THE BUILDING ZONES. WE DON'T WANT TO HAVE THE HOUSE PIECES START ARRIVING ON OUR ROAD AND THEN SEE TREES START DROPPING AT THE LAST MINUTE BECAUSE WE DID NOT DO OUR HOMEWORK.

When we were building our home we looked into modular homes and were told they could not make the corner into Jennie Lane without some major tree clearing. The only modular home that I know of in our neighborhood is the small 900 ft cape that was built about 2 years ago for John Nevin and they had one heck of a time getting it in. It sits on Watcha Path and did not have to make any corners to be placed on its foundation. Cozy Hearth's road will be a 90-degree turn from Watcha Path and then two 45-degree turns on an uphill slope. Their road would feed off of Watcha Path in an area that always has major washouts in the rain. We ask that all of this be looked into by a professional in the modular home business who is clearly told that no more trees can be cut than are shown on the plans approved by NHESP.

We will have "one heck of a time getting it in" but we have been assured that it will work. The representative has seen the plan and has signed off on it.

We admire Mr. Bennett's want to supply affordable housing but ... We don't want to get half way into this and I am sure neither does he to find a bunch of ½ completed homes sitting on this site. Nor do we want to have vague restrictions on the land and area that every person in this neighborhood loves and cares about. We need to know the answer to the question....to what degree Cozy Hearth is willing to commit to support our Road Association?

We are currently members of the Watcha Path Road Association and are committed to maintain our membership.

Mr. Bennett stated that he will be developing 33% of the land and that he will not be fencing in the open space to be protected by the Conservation Restriction Placed upon him by the Natural Heritage & Endangered Species Program. Please note the Attachment #3, dated Aug 1, 2005 as prepared by Senior Project Analyst, Jon Regosin Ph. D.:

IT CLEARLY STATES THAT THEY WILL PERMIT A PROJECT PRESERVING 70% OF THE LAND AS LONG AS IT WAS PERMANENTLY PROTECTED AND MANAGED APPROPRIATELY AND THAT THE BOUNDARIES OF THE PROTECTED OPEN SPACE WOULD NEED TO BE SURVEYED AND MARKED PERMANENTLY AND WITH SOME VISUAL BARRIER. IT CLEARLY STATES AN IRON BAR IN GROUND (FOR THE MARKER) AND A SPLIT RAIL FENCE (FOR THE BARRIER)

We want to know....Does Cozy Hearth plan to honor this condition?

The representative from NHESP suggested split rail as an option not a necessity. We will use cement boundaries and have obtained verbal permission to do so from NHESP.

Has new documentation been received from NHESP that now states 33% of the land can be developed or that no visual barrier needs to be constructed?

See above

Mr. Bennett had stated at our last Commission Meeting he had not yet contacted any one of the many agencies that could possibly oversee the management of this PROTECTED LAND. We see this as a number one priority for Mr. Bennett. Has he now done so? It is a restriction put upon this project and THIS HAS TO BE RESOLVED BEFORE COZY HEARTH CAN PROCEED. Since Sheriff's Meadow already owns the land that runs the entire East side of Watcha Path, perhaps they might be interested in obtaining this land.

CHCC has asked the Edgartown Conservation Commission if they might be interested in assuming our conservation restriction. They have indicated to me that at this time they are hesitant to take on this responsibility because that they feel that this development is too controversial. The ECC has asked that if we gain MVC approval that we resubmit our request to them at that time. The Sheriff's Meadow Foundation is considering taking on this responsibility. I am optimistic that they will want to work with us on this as the director has expressed personal interest but must get board of trustees approval.

With current traffic and homes we have always relied on the very kind and generous services of Greg Blaine and Robert Green. Will they and their equipment be able to continue to service the road with the additional traffic of cars and construction involved here? Does Mr. Bennett plan to find out the answer to this question? Will it require more frequent grading and are Greg and Robert even willing to take this added work on?

We are currently members of the road association and are committed to maintain our membership. We will work with the WPRA to maintain the road.

Mr. Bennett will now be required to work with MEPA to apply for his Conservation Permit. Has he started this process?

Yes. We are currently contracting with the same outfit that did our species study. They have stated that they will be able to start the work within two weeks.

RESTRICTIONS ON THIS LAND NEED TO BE RECORDED AS PART OF THE DEED FOR EACH PARCEL, AS THIS WOULD KEEP ALL RESTRICTIONS FOLLOWING THE LAND IN YEARS AND YEARS TO COME. NHESP HAS ADVISED A CONSERVATION ENTITY MIGHT TAKE OWNERSHIP OF THIS LAND WITH A SEPARATE DEED AND TOTALLY BREAK IT OFF FROM THE HOUSE PARCELS. THIS MAKES GOOD SENSE. IS COZY HEARTH WILLING TO DO THIS?

Land will remain the property of the homeowner unless they want to sell it to a conservation group.

Mr. Bennett has been asked in the past if he had the intention of placing covenants on these lots and we have always understood that his answer was No. At the last Commission Meeting he said he does have covenants and has had them in place since the very beginning. Will he share these covenants with us? We would like to see these covenants. Are there to be Covenants that will be recorded and part of each deed? It is important that we understand what Cozy Hearth really plans. Would they for example: have any architectural requirements and state square footage restrictions that are clearly defined so that no one five or ten years down the line could raise their roof and make a full 2 story home or put on additions spilling into no build zones, or build a garage, or store commercial materials or bobcats, ditch diggers, etc on their lots? Would such covenants prevent numerous unregistered vehicles to be stored on the property?Or the storage of large or numerous Boats?

We will abide by all applicable Town of Edgartown Zoning Bylaws.

We are aware that one of the homeowners owns a very large boat. We do not object to boats we have one and our son is an avid sailor but we ask will this be brought to the land and then are we going to have sanding and varnish work or lead paint work possibly happening that may contaminate our soil?

We will abide by all applicable Town of Edgartown Zoning Bylaws.

Would there be any planting of substantial evergreen trees to help with the privacy issue for the neighbors that have wide open site lines?

The neighbors saw fit to cut all of the trees down on their lots right up to and onto the property of the CHCC. They now are asking that we plant trees to shield them. This is not part of our proposal nor would it have been the case if CHCC did not exist and the lots were sold and built upon per Edgartown Zoning Bylaws.. The houses to the south of CHCC now have clear views of all of their neighbors. Why would a partial view of a nice house to the north be so revolting? It would take much more than 3 acre zoning to guarantee that a homeowner would not see any other houses. I know of few places on the Vineyard where one can not see his neighbors.

In researching the application process for a 40 B subdivision it is my understanding that in order to apply for a 40B that part of this application requires the developer to have full scaled architectural drawings for each building to be built that is signed by a registered architect and that they shall include typical floor plans, typical full 4 side elevations and sections and shall identify construction type and exterior finish. Is this not the case? SEE ATTACHED DOCUMENT # 2. Does Mr. Bennett in fact have such plans he used in his application process that he has not shared that he would be willing for all to see?

Please see answer to same question above.

In an effort to bring this to a solution that is workable for all we ask the above questions. We do not wish to go to war with Mr. Bennett. We would just like some solid answers. We would all benefit by understanding that it is the fear of the unknown and what could happen to our little road, the water of the ponds and the wonderful habitat that we have chosen to live in that needs to be addressed. We don't want three acre zoning to be taken away. This is why our neighborhood is up in arms. ...

I understand your concerns. I just hope that you will be able to work with us and not jeopardize the goodwill that we all had for each other when we came to your house 3 years ago and had coffee to discuss our plans. We hope to be good neighbors of yours if you will let us. I know that we can work together to make sure that your worst fears are never realized. After all we are just regular people just like you and have the same concerns that you do.

Karen and Paul Hannigan

34 Jennie Lane