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Martha's Vineyard Commission

DRI 34 M5 Flat Point Farm Subdivision Finalization Staff Report – 2024-1-27

1. DESCRIPTION

- 1.1 **Owner:** Priscilla P. Fisher Trust
- 1.2 **Applicant:** Priscilla P. Fisher Trust
- 1.3 **Applicant's Agent:** Attorney Eric Peters
- 1.4 **Applicant's Agent:** Engineer Reid Silva
- 1.5 **Project Locations:** 126, 161, 180, 200, 212, and 250 Road to Great Neck, West Tisbury and 7 Harpoon Lane, West Tisbury
- 1.6 **Proposal:** Form A & C subdivision of 109.8 acres into 13 residential parcels and two agricultural parcels, largely as contemplated in DRI 34 M3 preliminary plan. Also, the creation of two guesthouses, relocation of a road, and installation of a 20,000 gallon firefighting cistern. Lastly, creation of one affordable home/lot and one market rate home/lot on a 3.3-acre parcel outside of the subdivision on Harpoon Lane in West Tisbury.
- 1.7 **Zoning:** RU, 3-acre minimum
- 1.8 **Local Permits/Reviews:** West Tisbury Affordable Housing Committee, West Tisbury Board of Health, West Tisbury Fire Department, and West Tisbury Planning Board.
- 1.9 **Surrounding Land Uses:** Farm Subdivision: To the West the Subdivision Site fronts Pear Tree Cove and Tisbury Great Pond. To the North the Subdivision Site abuts large private parcels. To the East the Subdivision Site abuts large private parcels and fronts Short Cove. To the South, the Subdivision Site fronts Tisbury Great Pond and Short Cove. Harpoon Lane: The parcel fronts Harpoon Lane, which is off Edgartown-West Tisbury Road.
- 1.10 **Project History:** Subdivision was approved as a Form B Plan in DRI 34 M3 in 2018. The Decision specified under the heading Recommendations for a Definitive Plan that:
 - The subdivision must meet the nitrogen loading requirements of Tisbury Great Pond.
 - Building envelopes on future lots should be aimed at reducing the impact on existing and potential farming and grazing areas, balanced with minimizing the impact on the pond.
 - There must be a clear indication of guesthouse locations.
 - Measures to meet Commission Water Quality Policy are to be undertaken.
 - A definitive instrument that limits future division must be in place.
 - The West Tisbury Planning Board shall determine the adequacy of the road.
- 1.11 **Project Summary:** Subdivision into the following parcels: an 25.54-acre APR Field, Residential Lot 7A (3.4 acres), Residential Lot 6A (3.41 acres), Residential Lot 5A (3.41 acres), Residential Lot 4A (3.39 acres), Residential Lot 7B (3.11 acres), Residential Lot 6B (3.15 acres), Residential Lot 5B (3.11 acres), Residential Lot 4B (3.12 acres), Residential Lot E (6.10 acres), Residential Lot D (3.10 acres), residential Lot C (3.10 acres), Residential Lot B (6.36 acres), Residential Lot (A 4.34 acres), and a 34.90-acres APR Field. Also, reconfiguration of a road and the creation of guesthouses on

Residential Lots B and E. Also, installation of a 20,000 firefighting cistern. Also, creation of an affordable dwelling/lot (three bedrooms) and a market rate dwelling/lot (five bedrooms) on a 3.3-acre parcel on Harpoon Lane (outside the subdivision).

2. ADMINISTRATIVE SUMMARY

- 2.1 DRI Referral:** West Tisbury Planning Board
- 2.2 DRI Trigger:** Modification of a previous DRI
- 2.3 LUPC:** Slated January 29, 2024
- 2.4 Full Commission:** February 1, 2024

3. PLANNING CONCERNS

3.1 Wastewater

- The Subdivision Site is in the Tisbury Great Pond watershed.
- Nitrogen Calculations for the subdivision submitted to the Commission and reviewed by staff meet the Commission’s Water Quality Management Policy.
- The Applicant’s Agricultural Plan has been reviewed by staff and was found to meet best management practices.
- Staff recommends Nitrogen Calculations be generated for the Harpoon Lane real estate associated with this subdivision.
- “[T]he proposal is for up to six bedrooms in homes on Lots A, C, D, 4A,4B, 4C, 4D, 5A, 5B, 5C, and 5D,” according to the Applicant’s Agent.
- “Guesthouses of 1,000 sq. ft. are allowed on Lots Band E,” According to the Applicant’s Agent. “The proposal is for eight bedrooms on Lots B and E. It is up to the owner as to how many bedrooms are allocated between the house and the guest house.”
- The total number of subdivision bedrooms amounts to 82.

3.2 Environment / Habitat:

- Two large parcels have been placed under an APR and one has been leased for a century to the Land Bank (with an option to buy).
- The acreage covered by the APRs amounts to 60 out of 109.

3.3 Traffic and transportation

- Per the 34 M3 decision: *The Commission notes that it has made no determination as to whether the proponent has legal access over a private way or easement by prescription to the lot. In accordance with the Town's zoning, the Town will have to determine whether the proponent has legal access to the lot, or alternatively, that the Town will waive the relevant provisions of zoning requiring, for example, frontage on a public way. This DRI decision does not purport to affect or determine the property rights of the proponent or of any abutter or other party with title interest in the way or easement.*

3.4 Housing

- According to the Applicant’s Agent, the Applicant plans to use a 3.3-acre parcel on Harpoon Lane in West Tisbury to satisfy affordable housing requirements.

- The 3.3-acre parcel will be condoed to create a three-bedroom single family dwelling on one acre of the parcel and a five-bedroom, market rate dwelling.
- The position of the Applicant's Agent is that condoing the parcel for the two dwellings is permissible under town bylaw.
- No ground lease has been presented for the three-bedroom dwelling.
- It is not yet clear if the Applicant intends to build either of the dwellings.
- It is not yet clear how the affordable dwelling/lot will be conveyed.
- It is not yet clear how a recipient will be chosen for the affordable dwelling/lot.
- Also, the Applicant's Agent notes Trustee Arnold Fisher's daughter has a ground lease on Residential Lot B in the farm subdivision.
- The Applicant's Agent describes the lease as follows: "There is a Notice of Lease between the Fischer Trust as Lessor and Emily Fischer, as Lessee recorded in Book 1581, Page 234, dated May 20, 2021. The term of the lease is thirty years. Emily Fischer has constructed her single family residence upon the leased area, which consists of 1.5 acres on Lot B. Emily resides on the property with her husband Doug Brush and their children. Doug is a middle school science teacher at the West Tisbury school. There are no affordable restrictions in this lease. It is a family arrangement."

3.5 Municipal Services & Taxpayers

- Per the West Tisbury Fire Department, a 20,000 gallon firefighting cistern will be buried adjacent to Residential Lot E and residential Lot 4A