

DRI 555-2: Preserve at the Woodlands – 2004 Conditions

2004 Conditions

1. There may be minor adjustments of the following aspects of the plan without requiring additional approval by the Martha's Vineyard Commission provided they are approved by the Oak Bluffs Planning Board:
 - Lot lines within the residential subdivision may change, provided that the number of residential lots does not increase and the total area of open space within the residential subdivision does not decrease;
 - Roadway layout may change;
 - Number, size, and location of the buildings in the common area may change provided the total footprint of said buildings does not increase by more than 10%;
 - The size, shape and existence of the pond may change provided the area of the pond does not increase, by more than 10%.
2. Subject to the approval of the Land Use Planning Committee, there can be minor adjustments to the subdivision line between the Land Bank portion of the property and the residential subdivision provided the area of the former is not reduced by more than 5%.
3. The Martha's Vineyard Land Bank is not required to apply to the Martha's Vineyard Commission for review of developments on its part of the property on the basis of section 3.102 ("once a DRI, always a DRI"). This approval does not apply to any development otherwise specifically identified in the MVC Standards and Criteria.
4. As offered by the applicant, manure shall be segregated and removed at no less than weekly intervals. Any exterior manure pile shall be covered and be sited so that surface water will drain away from it.
5. As offered by the applicant, all fertilizers shall be slow-release, water-insoluble nitrogen source types both within common areas and on residential lots. No synthetic pesticides including herbicides, fungicides and insecticides shall be used in the maintenance of landscaping of common areas or residential lots.
6. As offered by the applicant, existing Special Ways within the residential subdivision shall be preserved and protected with a 50' buffer of natural and native vegetation as specified in the DCPC regulations. At sometime in the future, the developer may request approval from the Oak Bluffs Planning Board to relocate up to 40% of the length of the Special Ways within the residential subdivision to make them more accommodating to the residents of the subdivision without further review by the Commission.

7. As offered by the applicant, any vegetation used in the landscaping of common areas and in the buffer zones of residential lots shall be low-maintenance, native-type plantings.
8. As offered by the applicant, only the following exterior lighting shall be permitted:
 - Lighting as required by the building code;
 - Lighting for outdoor recreational purposes that are designed and shielded to avoid up-lighting, and are turned off when not in use;
 - Motion-sensitive security lighting designed and shielded to avoid spilling onto any neighboring properties;
 - Low-intensity street lighting designed and shielded to avoid up-lighting or as required by the Oak Bluffs Planning Board.
9. As offered by the applicant, the documents related to the homeowners' association, the conservation restriction on the subdivision open space, and the affordable housing trust, as proposed in the Memorandum from James G. Ward to Brian Lafferty Regarding Interim and Permanent Restrictions, dated April 5, 2004, shall be drawn up incorporating the concepts therein and these conditions in a manner satisfactory to MVC counsel.
10. As offered by the applicant, pumping from the well supplying the pond shall be temporarily halted if so requested by the Oak Bluffs Water District because of a water shortage.
11. As offered by the applicant, if requested by the Martha's Vineyard Land Bank, there shall be an easement of passage on the open space parcel adjacent to parcel F, identified on the March 19, 2004 plan as "open space 60,628.62 +/- SF 1.39 +/- AC", in favor of the Martha's Vineyard Land Bank and its invitees.
12. As offered by the Applicant, Corey Kupersmith or his heirs or successors shall pay the entire administrative costs of the Kupersmith Affordable Housing Trust for the first ten years of its operations.
13. As offered by the Applicant, the Applicant shall work with the Commonwealth of Massachusetts Department of Fish and Wildlife (NHESFA) and the Land Bank.
14. All other offers in the documents constituting the Plan as well as offers in the oral testimony at this public hearing are accepted and become part of the proposal.