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Martha's Vineyard Commission

DRI 682 – Meetinghouse Place Subdivision MVC Staff Report – 2018-09-24

1. DESCRIPTION

- 1.1 **Applicant:** Meeting House Way LLC; Sean Murphy (attorney); (Doug Hoehn, Agent)
- 1.2 **Project Location:** 139 Meetinghouse Way, Edgartown (Map 37 Lot 47 – 54.26 acres)
- 1.3 **Proposal:** Creation of thirty five (35) lots on 54 acres through a Form C Definitive Subdivision Plan.
- 1.4 **Zoning:** R-20 Residential: ½ acre minimum lot size; 50' minimum frontage.
- 1.5 **Local Permits:** Planning Board.
- 1.6 **Surrounding Land Uses:** Residential and Woods. Across Meeting House Way from the capped town landfill.
- 1.7 **Project History:** This lot was created from a division earlier n.
- 1.8 **Project Summary:** Creation of thirty five (35) lots on 54 acres with one common lot through a Form C Definitive Subdivision Plan.
 - The thirty five lots range from 1.00 to 2.77 acres. Most lots are one to 1.5 acres or two to three times the size of the ½ acre minimum lot size. There are eight (8) lots with 2 to 2.77 acres with the additional acreage falling in the proposed deed restricted moth habitat.
 - Each lot will have a designated Development Envelope for all construction, driveways and improvements. The Applicant estimates total Development Envelopes and road layout equal 22.27 acres (41% of the property) leaving 31.99 acres of open space (59% of the property).
 - Approximately 13 acres of the property will be deed restricted through a Conservation and Management Permit for Moth habitat along the eastern and southern edges of the property.
 - Each lot will be allowed a maximum of 7 bedrooms per lot as limited by tie in to sewer.
 - Maximum house size will be 9,000 sf of living space plus a garage with living space above.
 - No free standing guest houses will be allowed except the living space above a garage.

2. ADMINISTRATIVE SUMMARY

- 2.1 **DRI Referral:** Edgartown Planning Board
- 2.2 **DRI Trigger:** 2.2A (Division of Land of 10 acres or more); a mandatory DRI public hearing review.
- 2.3 **LUPC:** September 24, 2018
- 2.4 **Public Hearing:** To be scheduled

3. PLANNING CONCERNS

3.1 Some Key Issues

- House sizes are “limited” to 9,000 sf of living space. Living space is only a part of gross square footage. Is there any limit to gross square footage of houses and does the MVC want create one?
- Are there any limitations on the Common House size, uses or development areas?
- Are the areas outside of the development envelopes and roadways no cut zones?
- The project will result in a “Take” of state-listed rare species which will require a Conservation and Management Permit (“CMP”). The Applicant ENF Submission suggests that mitigation measures will include a combination of on-site preservation of habitat, on-site restoration and off-site mitigation in the form of funding for research and off-site habitat protection. What are the details?
- The Town of Edgartown is already exceeding its current authorized water withdrawal volumes and must address this and according to the comments of the Bureau of Water Resource in the ENF the projected demand for the proposed subdivision appears to be significantly above the state standard of 65 residential gallons per capita day (RGPCD). How does the Applicant propose to conserve water and meet the 65 RGPCD standards?

- Though connected to sewer the clearing of the land for roads and development will increase nitrogen in an impaired watershed with a Total Maximum Daily Load (TMDL). How will this nitrogen be limited?

3.2 Environment

- **Vegetation:** The site is currently a combination of mixed oak forest with a large area of pitch pine (*Pinus rigida*) along the southern and eastern boundary. There are some disturbed areas consisting of dirt roads and small clearings associated with past storage of marine and construction materials.
- **Habitat:** This property is partly mapped by NHESP as significant habitat for endangered species. According to the ENF submission NHESP indicated in a letter dated April 24, 2017 that there is one state listed rare species, Imperial Moth (*Eacles imperialis*), as having been found in the vicinity of the site. Applicant consultation with NHESP is ongoing.
- **NHESP Impact:** The ENF submission by Normandeau Associates (February 2018) states that based on multiple consultations with NHESP the proposal appears that the project will result in a “Take” of state-listed rare species which requires a Conservation and Management Permit (“CMP”).
- It adds that the project will result in permanent alteration of 6.6 acres of Priority Habitat as a result of vegetation clearing, construction of houses, paved roadways, driveways, and landscaped areas. An additional 1.8 acres within Priority Habitat has been categorized by NHESP as “fragmented”. Therefore the total area of proposed permanent disturbance of Priority Habitat is 8.4 acres.
- **Habitat Mitigation:** The ENF submission proposes mitigation measures to consist of a combination of on-site preservation of habitat, on-site restoration and off-site mitigation in the form of funding for research and off-site habitat protection. Approximately 3 to 4 acres of off-site mitigation would be required to meet the overall mitigation requirement or equivalent funding for research.
- The project’s off-site mitigation approach will be developed and finalized during the CMP review process and in consultation with NHESP staff.
- **Energy/Sustainability:** No energy conservation measures have been discussed yet. The proposal to allow for very large houses has been discussed in the past as being unsustainable and potentially being a drain on the island energy needs.
- **Lighting:** Narrative states that all lighting will be down-lighting
- **Landscaping:**
 - All fertilizers will be reduced nitrogen, slow release and in compliance with the approved fertilizer regulations in Edgartown.
 - Development Envelopes range in size from 17,692 sf to 25,677 sf but restrictions on these areas are not know yet.
- **Trails:** The property is bound by segments of three ancient ways, contributing to an informal network of paths allowing people to walk, horseback ride and off-road bicycle between Meshacket Road and Meetinghouse Road.
 - Nearest Meschacket Road, 160+ feet of Old Meshacket Road is overgrown and hasn’t been used for decades, although a trail easement has just been granted for an adjacent segment to the west from the Division Road subdivision.
 - Intersecting with Old Meshacket Road and extending SE more than 1,300 feet is Swimming Place Path which is passable and protected as a Special Way.
 - Intersecting Meetinghouse Way from the southernmost corner of the property and opposite the entrance to the Town’s Wilson’s Landing public open space is a 700’ segment of Pease’s Point Way. The north end of this segment merges with a 1,300’ unnamed path connecting to Swimming Place Path and is passable. Pease’s Point Way may be on the adjacent property to the SE. About 200’ is coincident with the driveway of an abutting property.
 - The applicant might consider retaining a trail connection along the eastern side from Swimming Place Path to Meetinghouse Way for public use. The plan also locates the development’s Meetinghouse Road access at this point. Consideration should be given to providing trail access all the way to Meetinghouse Way separated from the subdivision road.

- The applicant might consider development of a public trail parallel to Meetinghouse Way.
- The applicant should consider formalizing internal circulation for lot owners to walk about and access the public paths and Division Road.
- **Open Space:** The property is mapped on the MVC Open Space and Natural Resource Significance Map as “Important”. The MVC Open Space Policy recommends a target of 60% open space preservation on potential subdivisions in this category.
- The Subdivision will preserve a deed restricted moth habitat along the entire eastern boundary (except for the access road) that varies in depth from 170’ to 280’ and 200’ along the southern boundary (Meetinghouse Way) as required through the NHESP review process.
- The 200’ deep landscape easement buffer along Meetinghouse Way was already part of the property.
- **Open Space Policy Considerations:**
 - **Primary Open Space:** the site does not contain wetlands, ponds, streams, flood hazard areas, or known archeological resources. An Intensive (locational) Archaeological Survey was prepared by PAL and submitted to the MHC that yielded no historic or archeological resources. There are no Zone 1 protection areas around public water supplies on the property though there is one on an abutting property. There is an existing trail along the eastern side of the property in an area that is going to be deed restricted moth habitat.
 - **Significant Natural Features:** The property is largely un-fragmented woodland with some areas of disturbance on the western side. The eastern and southern sides of the property are dominated by pitch pine (*Pinus rigida*) which is habitat for the Imperial Moth (*Eacles imperialis*), a rare species. The western and northern sides of the property are dominated by oak trees which provide the best habitat for the largest number of species. The property is close to several large tracts of protected open space and agricultural land.
 - The standard style subdivision is designed around the proposed 13-acres of moth habitat with lot sizes that range from 1 to 2.77 acres. Most lots are one to 1.5 acres or two to three times the size of the ½ acre minimum lot size. There are eight (8) lots with 2 to 2.77 acres with the additional acreage falling in the proposed moth habitat.
- **Site Characteristics:** The site is generally level with some slight topography and no wetlands. Soils are well-drained, sandy to loamy sand soils.
- **Water Source:** Town Water.
 - The site is in a Zone 2 Water Recharge Area.
 - In the ENF Certificate for the Meetinghouse Way Subdivision, the Bureau of Water Resource comments on page 8 state that the Town of Edgartown is already exceeding its current authorized water withdrawal and must address this by applying for and obtaining a new Water Management Permit from MassDEP. It adds that the projected demand for the proposed subdivision appears to be significantly above the state standard of 65 residential gallons per capita day (RGPCD) and should seek to implement measures to conserve water within homes and for landscaping.
- **Wastewater / Stormwater:**
 - **Nitrogen Loading:**
 - The site is in the Edgartown Great Pond Watershed. The status of the watershed is impaired.
 - The proposal will be connected to the Edgartown Wastewater Facility (WWTF).
 - The ENF Certificate for the Meetinghouse Way Subdivision states that even though the subdivision will be connected to the WWTF it will represent new nitrogen loading in an impaired watershed with a Total Maximum Daily Load (TMDL) and that “the Department would expect that the proponents provide an offset in load so that there is no net increase in nitrogen loading to the watershed”.
 - Staff needs more details about driveways and roof area to calculate the Nitrogen load.
 - Local regulations limit the number of bedrooms that can be constructed on properties that tie into the sewer with a maximum of three bedrooms for the first 5,000 sf of lot area plus one bedroom for each additional 5,000 s.f. up to a maximum of seven bedrooms.

- **Lawn and Landscape:**
 - Approximately 22.27 acres is proposed for development envelopes and road surfaces.

3.3 Transportation

- **Traffic Study:** The Applicant had a traffic study prepared by Greenman-Pedersen, Inc. in January 2018.
 - **Access:**
 - The site has two accesses: one off of Meshacket Road and one on Meeting House Way. The Meshacket Road access is shared with Division Road (aka Henry's Path).
 - Meetinghouse Way has long been a gravel road but has been paved recently.
 - The proposal create a new entrance on Meetinghouse Way where a trail and abutter driveway exist rather than use the existing Division Road access with Meetinghouse Way
 - **Sight Lines:**
 - The sight lines are adequate to the left on Meshacket.
 - The sight lines are adequate to the right on Meshacket.
 - The sight lines are adequate to the left on Meeting House Way.
 - The sight lines are adequate to the right on Meeting House Way.
 - It should be noted that the posted speed limit is actually 25 mph, not 30 mph as stated in the TIA. Staff suggests that the speed data be updated to show the correct speed.
 - **Trip Generation:**
 - **Existing Traffic** – The August 9-15, 2017 automated traffic recorder counts show an average daily traffic (ADT) of roughly 3,900 vehicles at the Meshacket Road, east of Landfill Road location and roughly 650 vehicles at the Meeting House Way, east of Wilson's Landing.
 - MVC Staff conducted AM, mid-day, and PM Turning Movement Counts (TMC's) at the intersections of Meshacket Road/Edgartown West Tisbury Road and Meshacket Road and Marsh Hawk Road. The applicant will be provided the data to update in the TIA.
 - **Future Traffic** – ITE Land Use Code (LUC) 210 (Single-Family Detached Housing).
 - ITE trip generation rates were applied to the proposed residential subdivision to generate the estimate of 26 additional trips that can be expected to occur during the AM peak hour (8:00 to 9:00 AM).
 - ITE trip generation rates were applied to the proposed residential subdivision to generate the estimate of 35 additional trips that can be expected to occur during the PM peak hour (4:15 to 5:15 PM).
 - The ITE estimated total daily trip generation for the proposal is estimated at 335 trips.
 - **Future Developments** that may contribute traffic to the area:
 - Edgartown Affordable Housing Project (38 total units; 6 -ownership, 28-32 rentals) and Division Road Development (5-lot subdivision). The applicant was asked to update the January 2018 Traffic Impact Study to include these projects. The report did include future developments such as the Edgartown Lofts and Stop & Shop Expansion. Staff received an updated TIA as of Monday morning 9/24 but has not reviewed yet.
 - **Trip Distribution:** The trip distributions during the AM Peak Hour are 7 In / 20 Out; while the PM Peak Hour trip distribution is 22 In / 13 Out.
 - **Crash Data:** A review of the 2012-2014 Mass DOT Crash Report was conducted but the latest available three-year period 2014-2016 was not included. The Traffic Impact Study should be updated to include the most recent three year period from 2014-2016 crash data.
 - **Mass Transit, Bicycle and Pedestrian:**
 - The Martha's Vineyard Transit Authority (VTA) provides no bus service along Meeting House Way or Meshacket Road.
 - The nearest VTA a bus stop is located ¾ miles north of the project site across from the Morning Glory Farm on Edgartown-West Tisbury Road for the Bus Route #6 (Edgartown-Airport-West Tisbury).

- There are no sidewalks on Meeting House Way or Meshacket Road nor are they proposed within the subdivision.
- **Probable Impacts:** This review of the proposal, plan, and site indicates that the proposed project could have the following impacts on the existing traffic situation:
- **Traffic Summary:**
 - In terms of overall traffic operations and parking issues, the results of this study indicate there could be significant deficiencies that would occur from an increase in traffic generated by the proposal and other proposals in the immediate vicinity.
 - The LOS calculations of the applicant have not been analyzed yet.
- **Possible Mitigation:**

3.4 Affordable Housing

- The MVC Affordable Housing Policy requires 10% of the buildable lots in a subdivision be provided for the purpose of meeting the needs of low and moderate income residents housing needs. Alternatively the policy allows 20% of the currently assessed value of the property.
- The Applicant narrative states that they are offering to pay 20% of the assessed value of the property to the Edgartown Affordable Housing Committee. The property was assessed at \$2,449,700 which would amount to a \$489,940 housing mitigation donation. The applicant intends to pay \$490,000.00 to the Edgartown Affordable Housing Committee in installments.
- The 54 acre property was sold on June 28, 2017 for \$6,600,000.
- The Edgartown Affordable Housing Committee submitted a letter to the applicant indicating that they would prefer the lots on site as opposed to monetary mitigation.

3.5 Economic Impact

- The Economic Development staff report will be forth coming

3.6 Scenic Values

- **Streetscape:** The Subdivision should not be visible from Meeting House Way as there is a 200 foot vegetated buffer. Lot 1, closest to Meshacket Road could be visible from the public way.
- **Building Massing:** The plan would allow for very large houses with a self imposed limit of 9,000 sf of living space. Living space being only a part of gross square footage. Most houses should be away from the public view.
- **Architectural Detailing:** No architectural plans have been submitted.
- **A.D.A. Accessibility:**

3.7 Local Impact/Abutters

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4. CORRESPONDENCE

4.1 **Town Officials:**

4.2 **Island Organizations:**

Public: Sandy and Jason Honeyman have written expressing their concern about increasing the density in the neighborhood. Since 2012 much of the land on Meeting House Way near the Edgartown Great Pond has been sold and is planned to be developed. In addition, the paving of Meeting House Way has substantially increased through traffic down the road. They urge the Commission to consider approving a less densely populated development.