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## Martha's Vineyard Commission

### DRI 682 – Meetinghouse Place Subdivision MVC Staff Report – 2019-02-07

Note: New information in bold type.

#### 1. DESCRIPTION

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- 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 four (34)** lots on 54 acres through a Form C Definitive Subdivision Plan.
- 1.4 Zoning:** R-20 Residential:  $\frac{1}{2}$  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 four (34)** lots on 54 acres with one common lot through a Form C Definitive Subdivision Plan.
- The thirty four lots range from 1.00 to **2.68** acres with one common lot. Most lots are one to 1.5 acres or two to three times the size of the  $\frac{1}{2}$  acre minimum lot size. There are **six (6)** lots with 2 to 2.68 acres with the additional acreage falling in the proposed deed restricted moth habitat.
  - House sizes are “limited” to **5,000 sf** of living space plus a garage with bedroom. **There will be no free standing guest houses.**
  - Each lot will have a designated Development Envelope for all construction, driveways and improvements. The Applicant estimates total Development Envelopes and road layout equal **20.31** acres (**37.38%** of the property) leaving **34.03** acres of open space (**62.62%** of the property).
  - Approximately **16.72** 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.
  - **It is likely the Homeowner's Association will hold the Conservation Restriction. NHESP will require an offset or other mitigation equal to 3-6 acres for taking land of an endangered species.**
  - Each lot will be allowed a maximum of 7 bedrooms per lot as limited by tie in to sewer.
  - Development envelopes range in size from **18,000 – 24,624 sf (0.41 – 0.57 acres)**
  - **The Common House would be limited to 900 sf of unconditioned space for gathering.**
  - Areas outside of the development envelopes and roadways are no cut zones.

#### 2. ADMINISTRATIVE SUMMARY

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- 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

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##### 3.1 Some Key Issues

- **Habitat:** 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. **The applicant estimates that the offsite mitigation will be 3-6 acres. The Applicant has suggested they would contribute to a study rather than create new habitat.**
- **What is the plan to pursue off site habitat protection on island as part its moth habitat mitigation?**

- **Water:** 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?
- **Wastewater:** 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). **The project is currently estimated to be over the new MVC Nitrogen Loading Limit.**
- **Traffic:** A final traffic review of the Traffic Study and Addendum still needs to be assessed. How will this project impact roads and intersections in the vicinity?

### **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.
- **Archeological: A letter from the Massachusetts Historical**
- **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 known yet.
- **Trails:** The property is bound by segments of three ancient ways, contributing to an **existing** informal network of paths allowing people to walk, horseback ride and off-road bicycle between Meshacket Road and Meetinghouse Way and Town's Wilson's Landing public open space on Edgartown Great Pond.
  - Nearest Meshacket Road, 160+ feet of Old Meshacket Road is overgrown and hasn't been used for decades, although a trail easement **was granted in 2018** for an adjacent segment to the west **as a condition of** the Division Road subdivision (**DRI 683**). **On plan not labeled.**

- Intersecting with Old Meshacket Road and extending SE more than 1,300 feet is Swimming Place Path which is passable and **was protected by the Town as a Special Way in 2009**.
- Intersecting Meetinghouse Way from the southernmost corner of the property and opposite the entrance to Wilson's Landing is a **nearly 1,200 foot long** segment of Pease's Point Way. **Roughly 700 feet of Pease's Point Way nearest Meetinghouse Way is currently used at a trail, the first 200 feet also serving as the driveway of an abutting residential lot. An unnamed trail then veers away from the property line and extends 1,300 feet until connecting to Swimming Place Path.** The applicant's plan retains the existing path along the eastern side from Swimming Place Path to Meetinghouse Way and the narrative states that the applicant will not block or restrict public use of the path.
- **Affirmation and dedication of public rights to use the perimeter ways is welcomed but a preexisting restrictive covenant on this property calls into question whether other parties could prevent continued use by anyone of the existing path to access the property. (This covenant applies to land on the west side of Division Road, as well, calling into question the legitimacy of the trail easement that was part of the Division Road DRI). The applicant might consider development of a public trail parallel to Meetinghouse Way.**
- **The plan does not show any 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 archaeological 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 adjusted Nitrogen Load Limit for the Edgartown Great Pond is 1.40 kg/acre/yr. The Nitrogen Load Limit for this property is 76.08 kg/yr (1.40 kg/acre/yr x 54.34 acres)**
    - The proposal will be connected to the Edgartown Wastewater Facility (WWTF). **No Nitrogen contribution was included in total project load. Effluent is greatly reduced by connection to the WWTF but not completely. With the old MVC Nitrogen Policy Nitrogen contribution connected to the sewer was considered negligible. If effluent is added according to the new policy guidelines at 3mg/l, load would increase approximately 97 mg/l.**
    - 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”.
    - 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.
    - **If pond is included for nitrogen attenuation a hydrological study should be performed to demonstrate that ground water is flowing through it.**
    - Calculations for roof runoff were based on runoff diverted to on-site subsurface disposal such as dry wells or infiltration beds.
    - Installation of individual groundwater wells for irrigation purposes will need to be applied for and approved by the Board of Health. Segregation of drinking and irrigation water systems is important as is maintaining a 100 ft. minimum separation from sewer force mains. Extra care needs to be provided that groundwater and town water remain independent of each other in order to avoid public well contamination through back siphoning.
    - Projects proposed nitrogen contribution (see attached for calculations)

Roof runoff	10.19 kg/yr
Paved Roads	5.92 kg/yr
Driveways	5.92 kg/yr
<b>Development area*</b>	<b>116.03 kg/yr</b>
<b>Total</b>	<b>138.96 kg/yr</b>
<b>Effluent for WWTF **</b>	<b>97.65 kg/yr</b>
	<b>235.71 kg/yr</b>

- The project is over the MVC Nitrogen Loading Limit.

\*Development area calculated by development envelope – bldg. footprints-paved- 3000sq feet applicant proposes to leave in natural state.

\*\*rough estimate- based on 7 bedrooms on all 34 lots with WWTF effluent strength of 3 mg/l.

- **Lawn and Landscape:**

- Approximately 22.27 acres is proposed for development envelopes and road surfaces.
    - Area to be cut and lawn area should be reduced to limit fertilizer use. Native plants and grass types that use low water and fertilizer should be planted to reduce fertilizer use.

### **3.3 Transportation – The Review of tehTraffic Study and Addendum have not been finalized yet.**

- **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 and right on Meshacket.
  - The sight lines are adequate to the left and 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 applied to the proposed residential subdivision generate the estimate of 35 additional trips expected 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 VTA provides no bus service along Meeting House Way or Meshacket Road.
  - The nearest VTA bus stop is located  $\frac{3}{4}$  miles north of the project site across from the Morning Glory Farm on Edgartown-West Tisbury Road for the Bus Route #6 (Edg-WT Road).
  - There are no sidewalks on Meeting House Way or Meshacket Road or proposed in the plan.
- **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:**

### 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 54 acre property was sold on June 28, 2017 for \$6,600,000.
- According to Edgartown Assessor Records the total 2017 Assessed Valuation is \$4,406,700 for five lots totaling 51.78 acres. The 20% value of \$4,406,700 is \$881,340.
- 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.

- The Applicant's Affordable Housing offer is \$1,112,200. The monetary mitigation will be paid to the Edgartown Affordable Housing Committee over three installments. They will make three installments totaling \$490,000 plus \$18,300 per lot (total \$622,200) for a total \$1,112,200 million.
- Additional offers for the purposes of Affordable Housing including that for any future sale of a lot the seller will pay 1% of the sale price to the DCRHA. This will be written into the covenants.
- The applicant's offer of \$1,112,000 monetary mitigation, and additional offers, are consistent with the MVC's Affordable Housing Policy dated 1998.

### **3.5 Economic Impact**

- Potential impacts to municipal services such as police and fire are likely to be minimal since the proposed project is located within a developed residential area. The proposed project may have minimal impacts to schools depending if the homes are occupied year-round.
- Staff is collecting information on the property tax revenue generated for the Town of Edgartown. The project will generate an increase in property tax revenue after the houses have been developed.

### **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 5,000 sf of living space. Most houses should be away from the public view. No architectural plans submitted.

### **3.7 Local Impact/Abutters**

- Abutters have written with concerns for the density, character, impact on the pond and roads.

## **4. CORRESPONDENCE**

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**4.1 Island Organizations:** **Brendan O'Neill, Executive Director of the Vineyard Conservation Society**, has written with concerns for impacts on rural character and open space protection, the size of the structures, the minimal amount of open space (all of which is required by the State). They ask how water withdrawal requirements, energy footprint impacts, and DEP's no-net-increase in N2 loading goals and offset requirements will be met. They note that land clearing as part of this DRI will generate a nitrogen surge to the Great Pond and urge a vote of disapproval of this DRI. **Emily Reddington, Executive Director of the Great Pond Foundation**, which is dedicated to studying and preserving the health of Edgartown Great Pond (EGP) and therefore is concerned about any alterations to EGP and its watershed that may worsen current conditions and ultimately disturb the stability of the Pond ecosystem has written with concerns of increasing the overall nitrogen load of EGP and asks you to consider the current capacity of the Edgartown Wasterwater Treatment Facility.

**4.2 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. **Elisabeth Elden** has written with concerns asking to reduce the development to a reasonable number of houses, to smaller lots, leaving larger tracts of land undisturbed with several homes that are within affordability of year-round island residents. **Saul P. Greenfield** has written that a tipping point may have been reached or exceeded and the crush of traffic and accessibility to town centers and beaches is not unlike any suburban area and this is not what people come here for. **Patrick Kager** has written asking the MVC to deny this application which will completely destroy a unique piece of land with too much density, massive additional water use, a detrimental impact on the Great Pond, tax the existing island energy grid, and the developers have not provided information on the required habitat offset for their net taking of the endangered Imperial Moth. He adds concerns about segmentation and suggests a more appropriate alternative is to maintain the 5 lot plan (attached) approved by the Edgartown Planning Board on March 16, 2017. **Chandler and Candis Lincoln** have written with concerns with all the issues stated in a letter to you from Patrick Kager. **Sharon, Steve, Estelle, Bryce and Charlotte Vitti/Cadrain** are opposed to this proposal because it will ruin a beautiful part of the Vineyard and has the potential to damage the natural habitat, including the beloved Edgartown Great Pond