

Patrick Kager  
11 Duarte Circle  
Edgartown, MA 02539

February 5, 2019

Martha's Vineyard Commission  
The Stone Building  
33 New York Avenue  
Oak Bluffs, Massachusetts

via email: to Paul Foley <[foley@mvcommission.org](mailto:foley@mvcommission.org)>

RE: DRI 682

Dear Commissioners:

I am writing to express my views on the Meeting House Way proposed development and ask that you deny this application. As a long-time visitor to the island and recent Edgartown homeowner, I believe the proposed Meeting House Way development will have a tremendous and permanent detrimental impact on the island while providing few transient benefits. I've organized my comments using categories which the Commission utilizes to assess the benefits and detriments of a proposed development, as set out in the section 15 of your enabling statute Ch. 831.

15 (a)

This project will completely destroy a unique piece of former farmland by building 34 enormous homes, as well as another 13 on the adjoining land, which was at one time an operating farm (see attached for totality of farmland owned by Browns prior to the current owners). This is a unique piece of land on the Vineyard and once it is destroyed the character of the island will be irreversibly altered.

The project is in no way essential. There are plenty of large homes for sale on the island and there is not a pressing need for 34 new 5,400+ sq. ft. homes.

15 (b)

#### MAXIMUM BUILDOUT

The developer claims in their ENF that there is a potential to build 70-80 homes on the parcel and refers to some earlier plan, which was never submitted to the MVC, for 52 lots as the "2007 concept." However, because the entire property is within the Zone II of the Meshacket Public Drinking Water well (and very close to the Zone I) as well as the Great Pond Watershed it would support far fewer homes. Each 7 bedroom lot would need to be nearly 2 acres if they were to utilize on-site septic systems. Since they currently only have tentative approval from the Edgartown Wastewater Commission for 37 "pumps," they are capped at a maximum of 37 house lots regardless of the underlying zoning district. Taking into account the area needed to

preserve the endangered Imperial Moth, this would mean at most twenty 7-bedroom building lots. Even this scaled back proposal would still need to pass muster with the MVC.

#### WATER IMPACT

Another important environmental factor is the impact of this planned development on Edgartown's Water System which, according to DEP, has been out of compliance with their Water Management Act Permit for the past five years. This project's massive additional water use will cause Edgartown to be even further out of compliance with their DEP permit, possibly leading the DEP to take enforcement actions against the Town. Thirty-four 7-bedroom houses will mean another 10 million gallons per year of water use. Plus, each home is depicted as having a sizable swimming pool which could add up to another 2 million or so gallons of water use. Finally, irrigation systems will use another 5-10 million gallons of seasonal water use – or require the drilling of 34 irrigation wells. This will add a substantial and unnecessary burden to Edgartown's already out of compliance water situation. For this reason alone, the project should be denied and the developers should return with a plan to address the shortage of water, perhaps by funding permitting and construction of a new drinking well.

#### GREAT POND IMPACT

The detrimental impact on the Great Pond also must be considered. Thirty-four new homes will add considerable nitrogen and phosphorous to the Watershed. As these enormous homes would likely cost well over \$5 million each, they will be expected to have extensive turf lawns, screening plantings and other decorative plantings as shown in the developer's conceptual sketches. The required fertilizer used to maintain thirty-four additional lawns and associated plantings will add a significant burden to the already over stressed Great Pond leading to more eutrophication, algae blooms and other deleterious effects. The developers offer that slow-release fertilizers could be used as a way to mitigate the impact on the Great Pond, but offer no practical suggestions as to how the Town will enforce the use of these types of products.

#### ENERGY FOOTPRINT

The construction and yearly energy use of 34 massive 5,400+ sq. ft. McMansions will add to global climate change, a major concern for the island. It will also tax the existing island energy grid by adding a large electrical load to power these enormous houses. This detrimental impact could be offset by requiring a net-zero energy footprint for all homes in the subdivision, but there is no mention of this in the developer's plans. The developer's recommendation that homes adhere to the Stretch Energy Goals already required by many towns on the island is not sufficient to offset the energy impact and carbon footprint of all these new homes.

#### HABITAT

This development will result in a net taking of the endangered Imperial Moth. The developers have not provided information on the required habitat offset for their net taking. It is also unclear how well the proposed "Moth Corridor" will work in adequately protecting the Imperial

Moth population. In addition, the developers suggest a no-fencing provision but add a giant loop-hole that fencing can be used "if required by the building code." Since the model home depicted by the developers has an 18' by 40' pool, this will require extensive fencing as required by the building code.

#### ALTERNATIVE TO PROPOSED PLAN

A more appropriate alternative is to maintain the 5 lot plan (attached) approved by the Edgartown Planning Board on March 16, 2017 (note that this approval and others for this property, as well as parts of Lot A, do not seem to have been referred to the MVC for review as required by the DRI referral criteria.) Sale or development of these five lots is more than adequate for the developer to get a full return on their investment based on what they paid to purchase the property. The developers would not realize a windfall profit from being granted permission for 34 new building lots, but the financial benefit for the developers should not be factored into the MVC's weighing of benefits and detriments.

#### 15 (c)

This proposal will cause adverse impacts on the Katama area of Edgartown. It will add additional traffic to Meeting House Way which we use to reach the Edgartown- West Tisbury bike path from our home. This road already is dangerous for bikes as it lacks adequate shoulders, so adding more construction and resident traffic will make it even more unsafe. Constructing nearly 50 homes (34 on this parcel and 13 on the other portion of the former Brown land) on what was until recently open space will result in a tremendous amount of construction-related truck traffic for many years, making the use of Meeting House Way much more hazardous.

There will also be a very large loss of open space in the Katama area which will have negative impacts on scenic views, recreational opportunities for all residents and on wildlife.

#### 15(d)

The \$490,000 the developer initially proposed to provide for affordable housing is beyond ludicrous. The developers have just modified their proposal to add an additional \$18.3K contribution per lot sold, but this still is an entirely inadequate amount given this project's enormous impact on the island. Although the MVC cannot technically apply their recently revised affordable housing policy retroactively, it can, in the weighing of benefits and detriments, find the benefits offered to be inadequate to offset the permanent environmental, cultural and other damage caused by this proposed project.

The developers have not provided meaningful affordable housing production on a project from which they stand to make tens of millions if they receive MVC approval. In addition, the increased demand for carpenters, plumbers and all other trades resulting from this massive development will drive up already high labor rates on the island. These cost increases will have a net negative impact on the cost of building or renovating homes on island to provide residents with much needed affordable housing.

15 (f)

This development is completely incompatible with Edgartown's Housing Production Plan for FY 2018-2022, the development of which was funded in part by the MVC. The Edgartown plan calls for:

A diversity of new housing types through reuse of existing buildings and new development will provide more choice for **families, young Islanders returning home, year-round and seasonal workers, and seniors**. Increased tax revenue earmarked for affordable housing will enable the creation of **additional rental and ownership units for low/moderate-income and middle-income residents**. While new development and the adaptive-reuse of existing buildings to year-round housing units **will gently increase the town's density, the unique feel of this historic town will continue to shine**.

The Meeting House Way proposal does nothing to advance any of these goals. By adding 34 new mega-mansions, in concert with 13 more mega-mansions across the street, it will add more summer house for the mega-rich: obviously not a goal of the Edgartown's general plan for housing production over the next several years. As stated earlier, the additional demands placed on already oversubscribed building trades will make it even more difficulty and costly to address the priorities identified in Edgartown's housing plan.

15 (h)

The MVC was created to:

further protect the health, safety and general welfare of island residents and visitors by preserving and conserving for the enjoyment of present and future generations the unique natural, historical, ecological, scientific, and cultural values of Martha's Vineyard ... by protecting these values from development and uses which would impair them, and by promoting the enhancement of sound local economies.

By promoting the wrong type of dense overdevelopment in an environmentally sensitive part of the island, and adding further to the overload of building trades, approval of this project would directly contravene the principles upon which the MVC was created and has functioned effectively for the past forty years.

#### CONCERNS ABOUT SEGMENTATION

This land that is the subject of this proposal (Lot B on attach plan) and the adjoining land (Lot A) were until recently all owned by one family. It has since been divvied-up and transferred to a variety of corporate entities, such as ADEC Meeting House LLC, Boston Equity Partners LLC, MV Estates, Inc., and Meridian Group Investment, Inc. However, all these groups were granted a joint approval by the Edgartown Waste Water Commission on February 15, 2018 for "50 pumps" of sewage capacity enabling 50 building lots across the entirety of the 80 acres of former farmland. These entities are also co-beneficiaries and parties to a February 22, 2018 Easement and Agreement to provide road, sewer and water assess over another parcel of land (Map 28, Lot 240), until recently also owned by ADEC Meeting House Way LLC. Part of this 80

acre parcel was also recently subdivided into 5 additional lots (see DRI 683). They may also be jointly owned or have overlapping ownership interests.

Because of the common approvals for vital utilities, joint access and easement agreements and the common ownership and history of the land, it would be appropriate for the MVC to consider the impact not just of development of this portion of the former Brown land (Lot B), but of the entire scheme including those elements being proposed or already approved on Lot A. To do otherwise would allow this group of corporate developers to segment their applications to the MVC, thereby preventing the assessment of the total impact on the island of all these inter-related projects.

The MEPA rule on this issue of segmentation may be of interest to the MVC as they consider whether this project should be consider as part of a larger scheme in conjunction with other development efforts by this inter-related group of proponents:

MEPA review under 301 CMR11 11.01(2)(c):

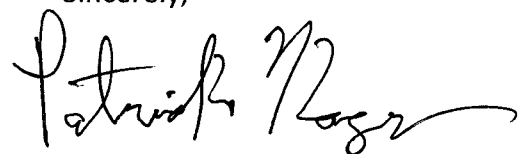
Segmentation In determining whether a Project is subject to MEPA jurisdiction or meets or exceeds any review thresholds, and during MEPA review, the Proponent, any Participating Agency, and the Secretary **shall consider the entirety of the Project, including any likely future Expansion, and not separate phases or segments thereof.**

The Proponent may not phase or segment a Project to evade, defer or curtail MEPA review. The Proponent, any Participating Agency, and the Secretary shall consider all circumstances as to whether various work or activities constitute one Project, including but not limited to: whether the work or activities, taken together, comprise a common plan or independent undertakings, **regardless of whether there is more than one Proponent; any time interval between the work or activities; and whether the environmental impacts caused by the work or activities are separable or cumulative.**

I would ask that the MVC deny this DRI application as the detriments to the island's residents and visitors is significantly greater than any benefits this project would provide. If approved, even with conditions, the developers will be able to reap the substantial economic benefit of turning a 5-lot subdivision into a 34-lot subdivision, while the island's environment and people will be left to deal with all this project's detrimental effects for generations to come.

Thank you for your consideration of my views on this matter.

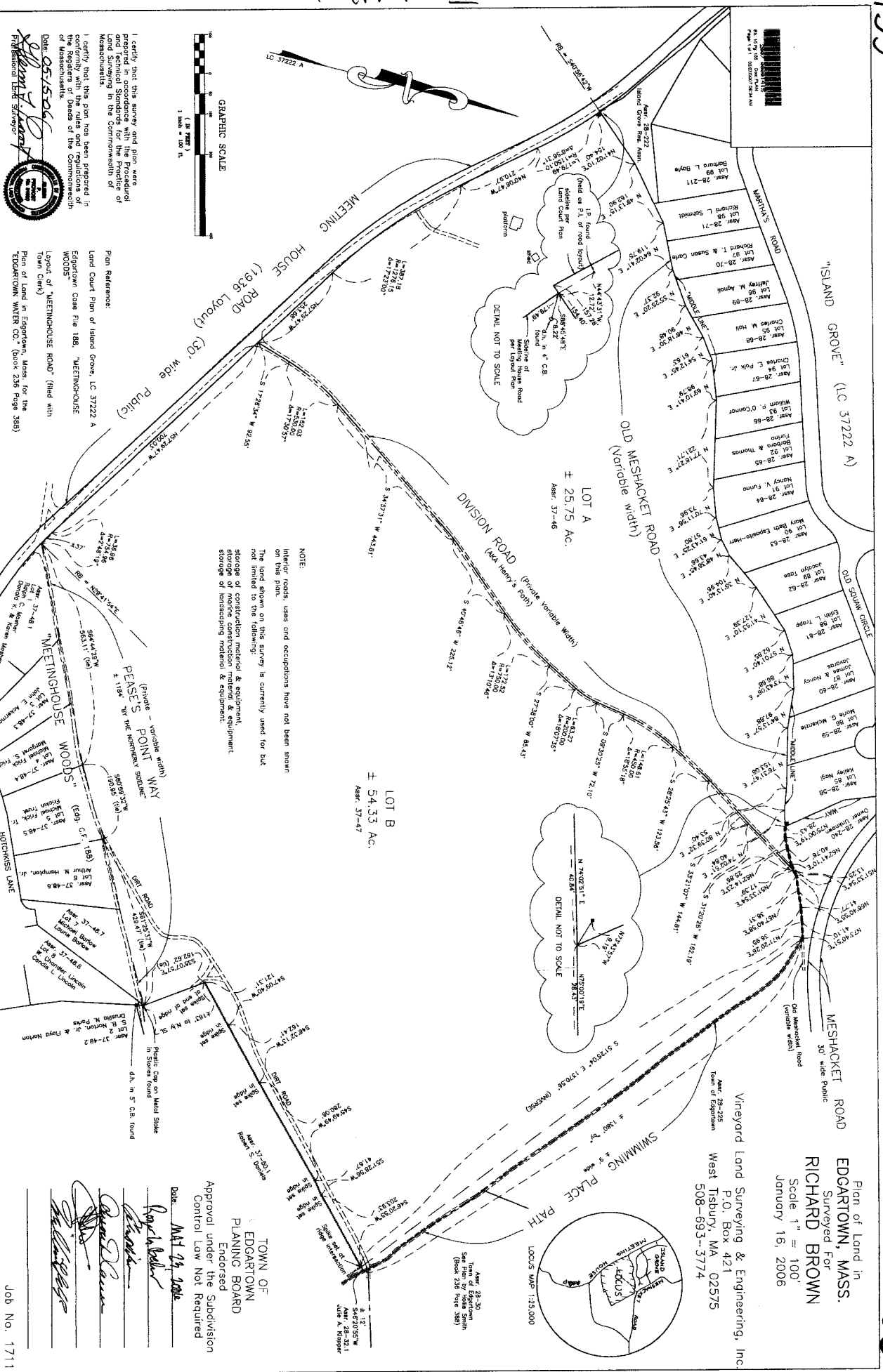
Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Kager", with a long, sweeping horizontal stroke at the end.

Patrick Kager

Plan of Land in  
EDGARTOWN, MASS.  
Surveyed For  
**RICHARD BROWN**  
Scale 1" = 100'  
January 16, 2006

Vineyard Land Surveying & Engineering, Inc.  
P.O. Box 421  
West Tisbury, MA 02575  
508-693-3774



NOTE:  
Interior roads, uses and occupations have not been shown on this plan.  
The land shown on this survey is currently used for but not limited to the following:  
Storage of construction material & equipment  
Storage of mobile construction material & equipment  
Storage of landscaping material & equipment

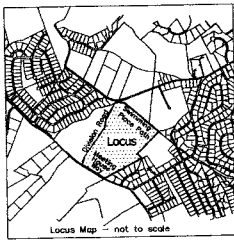
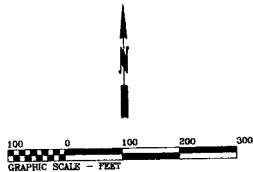
I certify that this survey and plan were made in accordance with the rules and regulations of the Board of Registration of Professional Land Surveyors in the Commonwealth of Massachusetts.  
Date: 05/5/06  
Professional Land Surveyor

Plan Reference:  
Land Court Plan of Island Grove, LC 37222 A  
Edgartown Case File 186, "MEETINGHOUSE WOODS"  
Layout of "MEETINGHOUSE ROAD" (find with Town Clerk)  
Plan of Lot 3, Edgartown, Mass. for the "EDGARTOWN WATER CO." (Book 236 Page 388)

TOWN OF  
EDGARTOWN  
PLANNING BOARD  
Endorsed  
Approval under the Subdivision  
Control Law Not Required  
Date: MAY 24, 2006  
[Signatures]

Job No. 1711

Attachment 1

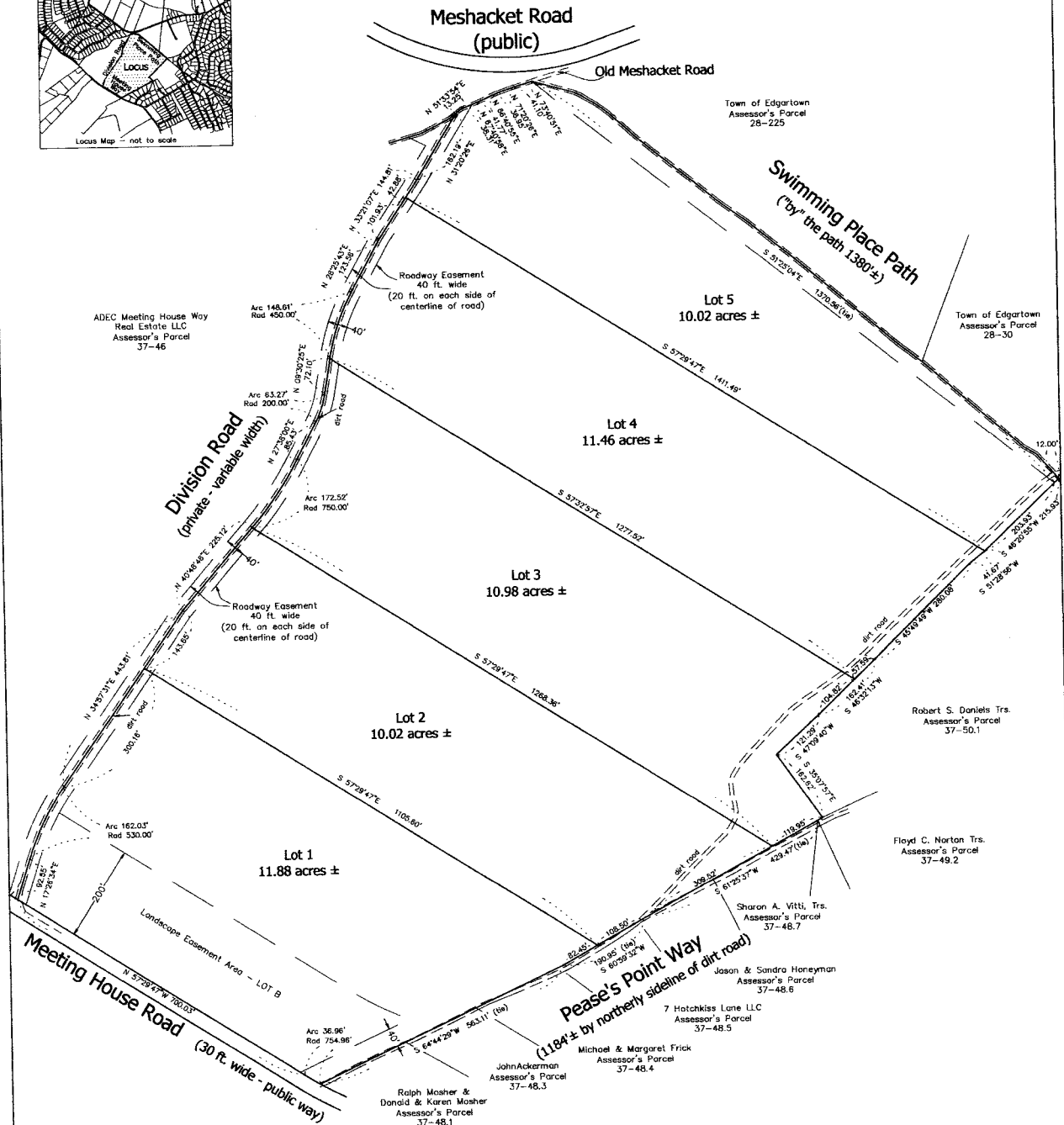


## Notes:

1. See plan showing lot B recorded at the Dukes County Registry of Deeds in plan book 15 page 155.
2. See "Easement, Declaration of Restrictive Covenants and Right of First Refusal" recorded at the Dukes County Registry of Deeds in book 1112 page 83.
3. See "Easement Plan of Land on Meeting House Way, Edgartown, Mass." recorded at the Dukes County Registry of Deeds in plan book 15 page 156.
4. Interior roads, uses and occupations have not been shown on this plan.
5. Any division or subdivision of lots 1 through 5 must be submitted to the Martha's Vineyard Commission for their approval.
6. This plan is intended to replace an identical plan of this property, which was prepared for a different applicant and endorsed by the Edgartown Planning Board on September 16, 2014.

Approval Under the Subdivision  
Control Law is Not Required  
Edgartown Planning Board

*[Signature]*  
*[Signature]*  
*[Signature]*  
Date: 5/16/2017



This survey and plan were prepared in accordance with the Procedural and Technical Standards for the Practice of Land Surveying in the Commonwealth of Massachusetts.

I certify that the preparation of this plan conforms with the rules and regulations of the Registrars of Deeds effective January 1, 1976 and as amended.

*[Signature]*

Douglas R. Hoehn, Professional Land Surveyor

Date: May 15, 2017



Plan of Land in  
Edgartown, Mass.

Prepared For  
David B. Blatt

Scale: 1" = 100' May 15, 2017

*[Logo]* Schofield, Barbini & Hoehn Inc.  
Land Surveying & Civil Engineering  
12 Surveyor's Lane, Box 339  
Vineyard Haven, Mass.  
508-693-2781  
www.sbhinc.net  
MV 9969