



Vineyard Conservation Society

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Martha's Vineyard Commission
33 New York Avenue
Oak Bluffs, MA 02557

August 22, 2019

Re: Meeting House Place Subdivision, DRI #682A

Dear Commissioners,

Regarding the above-reference DRI, please incorporate into the public record our comments below from the previous DRI 682. Despite the significant changes to the applicant's proposal, many of the issues flagged at that time remain of concern. Thank you.

Re: Meetinghouse Way Subdivision, DRI #682

The Vineyard Conservation Society (VCS) is a local, member-supported non-profit land conservation and environmental advocacy organization working since 1965 to preserve the natural resources and unique character of the Island. We have reviewed applicant's submission on the above DRI and offer these comments:

Application gaps – The DRI application doesn't appear to be complete, since the abutting 26 acres is reportedly controlled by the applicant but is not part of the DRI submission. Wastewater Commissioners have evidently granted permission for hookups (13 pumps) on the abutting acreage, signaling an intention to develop. Another smaller parcel controlling access to Meshacket Road also appears to be controlled by the applicant and is not part of the DRI submission. Our concern is that an incomplete application masks cumulative impacts of land intended for development. All cards must be placed on the table for the MVC to do its job.

Growth contribution – The Island Plan is an official planning document. In our view, it empowers MVC to undertake robust review of any development. The overarching theme of the Plan with respect to land use is an urgent call to address dire Island-wide development projections, which point to 80% of remaining available open space on Martha's Vineyard being lost. This DRI presents an opportunity to mitigate those projections. The impacts on rural character and open space protection of this DRI represent project detriments.

House size – The proposed large size of structures runs counter to the Island Plan's goals of conservation of land as open space and protecting the scenic character of the Island. Size of structures is a concern in every Island town, and has led to limiting square footage in both Chilmark and Aquinnah. The proposed house size runs counter to this beneficial trend and sets a detrimental benchmark for acceptability going forward.

Island Plan – The submission claims credit and consistency with the MVC Island Plan with respect to, among other things, open space setoff. The submission should be more clear that those open space exactions are required by state rare species regulators at MA Natural Heritage and Endangered Species Program. Where small lot development is prohibited by state regulation it should not be offered by the applicant as a project benefit.

Zoning – Previously, during the Herring Creek Farm lawsuits against Edgartown and the MVC, this area of half-acre lots was referenced as a counter to charges of Exclusionary Zoning (aka “snob zoning”). That is, Edgartown established a range of large to small lots in its zoning districts, designed to accommodate persons of all socio-economic levels. That argument prevailed in court. Diverting this small-lot inventory for purposes contrary to those intended by the drafters of Edgartown’s zoning cannot be viewed as a project benefit.

Water, energy, nitrogen – The submission should provide more detail on how water withdrawal requirements, energy footprint impacts, and DEP’s no-net-increase in N2 loading goals and offset requirements will be met. With respect to energy use in particular, the proposal to meet the Massachusetts Stretch Energy Code is not a project benefit. A more stringent requirement would be to require zero annual net energy performance for each property, as has been done elsewhere on our Island, as well as in other communities such as Boulder, Colorado, which for many years has required net zero on all houses larger than 3,000 square feet.

Clearing – Land clearing as part of this DRI will generate a nitrogen surge to the Great Pond. Existing groundcover keeps a certain amount of nitrogen from reaching the pond annually. The submission should present an analysis of the issue.

Biodiversity – Takings of rare species as listed by the NHESP are not the only impacts of land clearing on biodiversity and the broader ecology. The submission should provide more detail on biodiversity impact mitigation, including any plans for limits on lawn size, native plantings requirements, and the location of any offsite mitigation required by Heritage.

In summary, our view is that submission completeness, subdivision density, house size, water, energy, nitrogen, and biodiversity impacts present a totality of detriments which outweighs project benefits. We urge a vote of disapproval of this DRI.

Thank you for the opportunity to comment.

Brendan O’Neill
Executive Director