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

via email: to Lucy Morrison <morrison@mvcommission.org>

RE: DRI 682B

Dear Commissioners:

I am writing to express my views on the revised Meeting House Place proposed development and ask that you deny this application. I have followed this project for the past two years and strongly believe that the current development proposal will have a tremendous and permanent detrimental impact on the island while providing few transient benefits. I've organized my comments using the categories that 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) development at the proposed location is or is not essential or especially appropriate in view of the available alternatives on the island of Martha's Vineyard*

This project will destroy a unique piece of former farmland by building 28 enormous homes and 14 townhouse units. The Commission should also consider that approving this massive project will set a precedent for the owners of other portions of the former Brown land located across Division Road. The Commission has already approved 5 lots across the street from this project on yet another piece of the former Brown property. This is a unique piece of land on the Vineyard and once it is destroyed the character of this part of the island will be irreversibly altered.

The project is in no way essential. There are plenty of large homes and building lots for sale on the island and there is not a pressing need for 28 new 4,000+ sq. ft. homes.

*15 (b) development in the manner proposed will have a more favorable or adverse impact on the environment in comparison to alternative manners of development;*

#### MAXIMUM BUILDOUT

The developers claim in their ENF that there is a potential to build 70-80 homes on the parcel and refer to some earlier plan, which was never submitted to the MVC, for 52 lots as the "2007 concept." The Edgartown Wastewater Commission (which includes the developers' attorney as a member) gave a tentative allocation of 37 grinder pumps for this parcel just prior to its sale

to the developers. This would cap development at a maximum of 37 house lots, regardless of the underlying zoning district. If the development were not given final approval to connect to the sewer plant and relied on on-site septic systems, it would support far fewer homes given nitrogen loading concerns and restrictions under Title V because the entire property is located 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 .

#### GREAT POND IMPACT

The detrimental impact on the Great Pond also must be considered. Forty-two new housing units will add considerable nitrogen and phosphorous to the Watershed. I will not repeat the excellent points raised by Ms. Emily Reddington, Executive Director of the Great Pond Foundation in her June 11, 2019 letter. I will add that having reviewed the developers' submittals they vastly understate the nitrogen loading impact of this massive project.

For example, the proposed limitation of 4,000 Sq. Ft. of lawn area is completely without enforcement teeth. The developers also propose a requirement to use "slow release" fertilizers as per Edgartown regulations. These regulations are rarely enforced as Edgartown's Health Agent, who is charged with enforcement, has more pressing issues to address, like the Covid-19 pandemic and Opioid crisis as well as administering Title V. The developer states that enforcement of these and other covenant "will be performed by the Homeowners Association." It seems highly unlikely that second home owners will have the interest, willingness or knowledge to enforce these restrictions on their neighbors resulting in a much greater nitrogen impact on the Great Pond than that suggested by the developers' calculations. These continued boluses of nitrogen and phosphorus entering the GP water shed will lead to irreversible loss of eelgrass habitat, algae blooms, and other permanent impacts. The MVC should consider adjusting the submitted numbers to reflect a more realistic nitrogen impact.

#### ENERGY FOOTPRINT

The construction and yearly energy use of 28 massive 4,000+ sq. ft. McMansions will add to global climate change, a major concern for the island. The developers have refused to adopt a net-zero requirement or LEED certification for this project. Instead, they have presented misleading information to the MVC about the energy usage of this massive project.

For example, the developers have told the Commission that "the optional swimming pool will add approximately 1,500kwh/year of energy use." This amount of energy is barely sufficient to operate a pool's pump and filter. Heating the pool, which is standard on-island, would use many multiples of the energy the developers claim, even with an efficient heat pump. The developers make a meaningless offer that solar power "will be an option" but fail to state how or where the solar arrays would be located and do not mandate use of solar for pool heating as required by section 3.3.2 of the MVC's *Energy and Environmental Building DRI policy*.

The developers have also stated that heat pumps use over "2x the energy usage per home" compared to propane and that heat pumps are only effective to +/- (-5) degrees F." This information is incorrect as modern heat pumps are effective to -13 degrees F and proponents

of greenhouse emissions reductions suggest use of heat pumps, which can draw their energy from renewal sources, unlike propane which will result in emissions of greenhouse gases in perpetuity.

To partly offset the massive energy usage of their 28 large homes, the developers have proposed the use of 1-2 Smart Flower systems. However, what the developers have not told the Commission is that the parent company who developed these system has repeatedly gone bankrupt (<https://www.renewableenergyworld.com/2018/04/02/german-developer-of-solar-storage-smart-flower-quietly-goes-insolvent/>). This, combined with the fact that there are no on-island firms to install or service these contraptions, means that they will likely become inoperative after a short period of time resulting in no solar power to offset the massive energy use of this project.

#### ALTERNATIVE TO PROPOSED PLAN

A more appropriate alternative is to maintain the 5 lot plan approved by the Edgartown Planning Board on March 16, 2017. 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 28 new luxury building lots, but the financial benefit for the developers should not be factored into the MVC's weighing of benefits and detriments.

*15 (c) the proposed development will favorably or adversely affect other persons and property, and if so, whether, because of circumstances peculiar to the location, the effect is likely to be greater than is ordinarily associated with the development of the types proposed;*

As has been stated by many who have written to the MVC, this proposal will cause adverse impacts on the Katama area of Edgartown as well as the rest of the island. 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 44 housing units will result in a tremendous amount of construction-related truck traffic for many years, making the use of Meeting House Way and Meshacket Road 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. The wildlife and open space impacts were well articulated by Mr. Brendan O'Neill, Executive Director of the Vineyard Conservation Society, in his June 2, 2020 letter to the MVC.

*15(d) the proposed development will favorably or adversely affect the supply of needed low and moderate income housing for island residents;*

The developers would like the MVC to believe that their offer of a ~\$1.1MM towards affordable housing is sufficient to offset the permanent and irreversible damage their project will cause the island. They also offer to build 14 "affordable" town homes at "cost", which they claim based on "informal conversations" is below market prices for these cheaply built and highly

restricted types of units. In the first place, they have not provided a detailed cost breakdown to the MVC and seem to be including their permitting costs (legal and engineering fees) for getting approval of their massive project in what they are charging the “affordable” home owners – in essence subsidizing their own development costs. Secondly, this high-density development is entirely out of character with this area of the island. Third, it is unclear whether they will even be built as all the developers have to do is “offer” two townhomes for every five luxury lots they are allowed to sell. If no one accepts this “offer,” which seems likely, the developers are off the hook. As stated by several Commissioners, the entire 14 unit townhome project within a project is deeply flawed and will likely become a dilapidated eye sore, even if they were built in the first place.

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. Although the island needs more affordable housing, the MVC should not allow the level of devastation to the island resulting from this project in exchange for the developers’ misguided and paltry affordable housing proposals.

*15 (g) the proposed development will aid or interfere with the ability of the municipality to achieve the objectives set forth in the municipal general plan*

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**.

This proposal does nothing to advance any of these goals. By adding 28 new mega-mansions (in concert with another potential 13 mega-mansions across the Division Road), it will add more summer houses for the mega-rich: obviously not a goal of Edgartown’s general plan for housing production over the next several years. As stated earlier, the proposed townhomes are out of character for the area and seem unlikely to even be built, no less maintained, to provide long-term solutions to the island’s housing needs.

*15 (h) the proposed development will further contravene land development objectives and policies developed by regional or state agencies*

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, approval of this project would directly contravene the principles upon which the MVC was created and has functioned effectively for the past forty years.

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 28-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 that reads "Patrick Kager". The signature is written in a cursive style with a large, stylized initial "P".

Patrick Kager