

**MCCARRON, MURPHY & VUKOTA, LLP**

ATTORNEYS AT LAW  
282 UPPER MAIN STREET  
POST OFFICE BOX 1270

EDGARTOWN, MASSACHUSETTS 02539

ROBERT M. MCCARRON  
SEAN E. MURPHY  
MARILYN H. VUKOTA  
ALSO ADMITTED IN NEW YORK  
ROBERT D. MORIARTY

TEL: (508) 627-3322  
FAX: (508) 627-7848  
E-MAIL: SEM@EDGARTOWNLAW.COM

---

THOMAS J. RAPONE  
RICHARD J. MCCARRON (1930-2009)

June 3, 2020

**VIA ELECTRONIC MAIL**

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

***RE: Meeting House Place***

Dear Adam,

The applicant, Meeting House Way, LLC, hereby submits the following **revised** Offers to the Martha's Vineyard Commission relative to the property located at 139 Meeting House Way, Edgartown, Massachusetts (the "Property"):

- a. All lots on the Property will be connected to town water and town wastewater.
- b. The applicant makes the following Offer regarding an affordable housing contribution:
  - i. The applicant hereby offers to pay the sum of \$1,112,200.00 (assuming the property is approved for the proposed 28 single family lots) to the Edgartown Affordable Housing Committee. \$490,000.00 shall be paid upon receipt of all permits required for the subdivision. Additionally, for each lot sold by the applicant the applicant will pay an additional \$22,222.00 to the Edgartown Affordable Housing Committee, a total of \$622,200.00 upon the sale of the 28 lots.
  - ii. The applicant, at the applicant's sole cost, will run water lines and wastewater lines from the Property to where it abuts the affordable housing property next door.

- iii. The applicant will include in the Covenants for the property and in all deeds for each lot the following perpetual requirement: Upon any sale of the 28 single family lots subsequent to the original sale from the developer the seller shall pay a fee equal to one-percent (1.00%) of the sale price to the Dukes County Regional Housing Authority or a similar agency as determined by the Martha's Vineyard Commission. This fee will be paid equally by the Buyer and Seller.
  
- c. The applicant will construct and sell fourteen (14) townhouses at prices well below market rate for first time homebuyers and "empty nesters". There will be ten (10) two-bedroom units priced at \$387,000 and four (4) one-bedroom units priced at \$359,000. Please see the attached Exhibit A for the detailed process for the townhomes.
  
- d. The applicant shall include in the covenants for the single-family properties that all homes constructed in the subdivision use environmentally sound practices to maximize energy efficiency and that all buildings must be designed and constructed to meet the standards required for Energy Star 3.1 certification:  
General
  - 1. Completion of the National Rater Design Review Checklist.
  - 2. Completion of the National Rater Field Checklist.
  - 3. Completion of the National HVAC Design Report.
  - 4. Completion of National HVAC Commissioning Checklist.
  - 5. Completion of National Water Management System Builder Requirements
  - 6. Raters and field inspectors are required to complete Energy Star training.
  - 7. Builders are required to sign and Energy Start Partnership Agreement.
  - 8. HVAC contractors are required to be credentialed EPA recognized quality, installation, training and oversight organization,

Partial requirements of items 1-5 listed above include the following:

Insulation

- |                            |             |
|----------------------------|-------------|
| 1. Fenestration U-Factor   | 0.27        |
| 2. Skylight U-Factor       | 0.55        |
| 3. Ceiling R-Value         | R49         |
| 4. Wood Frame Wall R-Value | R20 or 13+5 |
| 5. Mass Wall R-Value       | R13/17      |
| 6. Floor R-Value           | 30          |
| 7. Basement Wall R-Value   | R15/19      |

8. Slab R-Value and Depth R10, 2ft.

Air Infiltration/Envelope Tightness

1. Air sealing is required at all penetrations and locations in the building envelope where air infiltration may occur including light fixtures, vent fans, electrical boxes, plumbing penetrations, chases, blocking and sheathing, knee walls, attic access, etc.
2. A blower door test is required to ensure envelope tightness and must achieve a rating of 3ACH50.

HVAC Systems

1. AC units to be achieve 13 SEER or better
2. Gas boilers to achieve 90AFUE Energy Star rating (eg)
3. A programmable thermostat is required for each furnace/boiler in the system.
4. Duct tightness testing is required by a DET Verifier and achieve a maximum of 4% total leakage.
5. Ducts must be insulated as follows:
  - a. R8 in attic
  - b. R6 in other unconditioned space
  - c. Not required inside building envelope
6. Whole house ventilation system is required.

Plumbing Systems

1. R3 pipe insulation provided on all hot water supply lines.
2. 50-Gal Gas Water Heater to achieve .59 EF (eg)

Electrical Systems

1. Energy Star light bulbs modeled in 90% of ANSI/ResNet/ICC Standard 301 qualifying light fixture locations.

Appliances

1. Energy Star, refrigerators, dishwashers and ceiling fans modeled.

RENEWABLE ENERGY

1. Solar energy production will be a requirement for each single-family house at Meeting House Place.
2. Installation of one Smart Flower per lot or equivalent output plus an equal output amount on roof mounted solar will be required or approved equal alternate as approved by the homeowner's association. Two Smart Flowers can be used or one Smart Flower plus appropriate roof mounted panels with equivalent output of the Smart Flower. All locations of solar

- panels must be pre-approved by the Homeowners Association Architectural committee prior to construction of the home and must be shown on the plans at the time of Homeowners Association plan review.
3. Each Smart Flower and other solar installations will be connected to the grid for net metering.
  4. The above requirements will provide approximately 10,130 kWh/yr which should result in a net zero power consumption for each home in the subdivision. Energy use from the power grid should be net zero.
  5. The solar energy requirements shall apply to the single-family lots, not the townhomes as the installation of same would add significantly to the cost of the townhomes.

Any application for a building permit to the Edgartown Building Department shall require a third-party architect who is also a certified Energy Star Reviewer to certify that the proposed plans meet the aforesaid requirements. No building permit shall issue unless the Edgartown Building Department has received said certification.

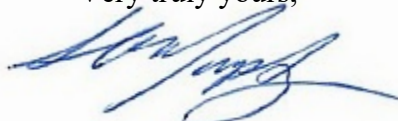
- e. All homes that desire to use outdoor irrigation shall utilize a weather station control system for said irrigation system.
- f. The applicant will attempt to connect up to twelve (12) adjacent properties on Hotchkiss Lane to the Edgartown wastewater system to achieve a net nitrogen load well below the MVC requirements for the property. The applicant will contact all 12 owners on Hotchkiss Lane to inform them of this Offer. The applicant shall pay for the cost to install the wastewater line and for all costs to connect each property to the wastewater line. The property owner will be responsible for the annual fees charged by the Edgartown Wastewater Department. The offer to the Hotchkiss Lane residents will remain valid for up to twelve (12) months. Should at least six (6) homes on Hotchkiss Lane not have agreed to connect to the wastewater system at the conclusion of the twelve (12) months the applicant will seek other properties in watershed to bring the total to at least six (6) homes. The applicant has commitments for 7 homes to date to be connected to sewer on Hotchkiss Lane.
- g. All fertilized lawn and garden areas will be limited to 4,000 sf maximum per lot.
- h. The applicant will not block or restrict the path running from Meshacket Road to Meeting House Way on the easterly side of the property path for pedestrian, equestrian or non-motorized bicycle use by the public.

- i. The covenants for the property will include the following provisions:
  - i. There will be architectural guidelines including a maximum house size of 3,800 s/f of Living Space plus a garage. "Living Space" is defined as the inside perimeter of all above ground, conditioned and enclosed areas that are suitable for year-round use, including all closets, stairways and storage areas." All homes shall be limited to five (5) bedrooms. If a garage is detached a 400 s/f "detached bedroom" in conformance with the Town of Edgartown Zoning Bylaws is allowed in addition to the 3,800 s/f cited above. The detached bedroom shall not be rented or used separately from the main house.
  - ii. There will not be any freestanding guest houses.
  - iii. All fertilizer will be reduced nitrogen, slow release and in compliance with the approved fertilizer regulations in Edgartown and the Nitrogen Management Plan submitted to the MVC.
  - iv. All lighting will be downlighting and there will be "dark sky" restrictions.
  - v. There will not be any direct access of off Division Road to the individual lots. All access will be from the interior subdivision roads.
  - vi. All homes constructed in the subdivision shall be required to use environmentally sound practices to maximize energy efficiency and all buildings must be designed and constructed to meet Energy Star 3.1 certification. A third-party architect will need to certify to the Edgartown Building Department with any building permit application that the proposed home construction is in conformance with the energy plan approved by the MVC.
  - vii. Installation of one Smart Flower per lot plus equivalent output amount on roof mounted solar will be required or approved equal alternate as approved by the homeowner's association. Two Smart Flowers can be used or one Smart Flower minimum plus appropriate placed additional, properly oriented and HOA approved roof mounted panels with equivalent output to one Smart Flower. All locations of solar panels must be pre-approved by the Homeowners Association Architectural committee prior to construction of the home and must be shown on the plans at the time of Homeowners Association plan review
  - viii. All Open Space and setback areas on the individual lots will be "no cut" areas other than maintenance as required by NHESP for habitat enhancement for endangered species and any common paths installed by the applicant.
  - ix. Upon any sale subsequent to the original sale to a third party from the developer a fee equal to one-percent (1.00%) of the sale price shall be paid to the Dukes County Regional Housing Authority or a

similar agency as determined by the Martha's Vineyard Commission. The Buyer and Seller shall each pay one-half of the fee.

- j. The applicant shall obtain and grant a 15' wide dormant easement to the Town of Edgartown along the length of Assessor Map 28, Lot 240 where it abuts Meshacket Road to be used for a bus stop and/or bike path on Meshacket Road.
- k. The 1.0 acre lot identified as "Association protected Open Space" on the plan (and located near the Hotchkiss Lane properties) will be subject to the same restrictions as the NHESP Habitat Area and shall remain as open space.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Sean E. Murphy", is written over a light blue rectangular background.

Sean E. Murphy

**EXHIBIT A TO OFFERS FROM MEETING HOUSE WAY, LLC**

***Process for sale of townhomes:***

For the first four sets of five (5) market rate lots sold by the Applicant, the Applicant will place ads in the MV Times and Vineyard Gazette announcing that two (2) of the townhouses are available to Qualified Buyers. The ads will contain the requirements to be certified as a Qualified Buyer.

A "Qualified Buyer" shall be either a first time homebuyer who has lived and worked on Martha's Vineyard full time, year round for at least five (5) years, or, a person that is at least sixty (60) years of age and has been a full time, year round resident of Martha's Vineyard for at least fifteen (15) years and at the time of application for a unit neither the applicant or their spouse/domestic partner do not own any other real property on Martha's Vineyard or elsewhere.

Standards to certify a Qualified Buyer:

First time homebuyer:

Proof of residency for the past five years as shown by auto registration and excise tax bills, utility bills and/or lease documents, list of employers. Prequalification letter from a lender.

Over 60 qualification:

Proof of residency for the past fifteen years as shown by auto registration and excise tax bills, utility bills and/or lease documents or previous ownership of property.

Prequalification letter from a lender or other proof of ability to purchase unit. Affidavit from applicant that neither they nor their spouse/domestic partner own any other real property on Martha's Vineyard or elsewhere.

The Edgartown Planning Board shall certify the list of Qualified Buyers and if there are more potential buyers than available units then a lottery shall be conducted under the supervision of the Edgartown Planning Board.

Upon acceptance by two (2) Qualified Buyers, the applicant will construct the townhouses. Upon the acceptance by the Qualified Buyers or should there not be any Qualified Buyers that accept the offer the Applicant may then continue to sell the market rate lots, with the above offer being made for every five (5) market rate lots sold by the Applicant.

For the fifth set of five (5) market rate lots sold by the Applicant the Applicant will offer three (3) of the townhouses to Qualified Buyers. Upon acceptance by three (3) Qualified Buyers, the applicant will construct the townhouses. Upon the acceptance by the Qualified Buyers or should there not be any Qualified Buyers that accept the offer the

Applicant may then continue to sell the market rate lots, with the above offer being made upon the sale of the last three (3) market rate lots sold by the Applicant.

For the final three (3) market rate lots sold by the Applicant the Applicant will offer three (3) of the townhouses to Qualified Buyers. Upon acceptance by three (3) Qualified Buyers, the applicant will construct the townhouses.

The deed for each townhouse will have the following restrictions that shall be in effect for perpetuity for all owners of a townhouse:

- a. The townhouse must be occupied as the owner's principal residence.
- b. The owner may not rent the townhouse.
- c. A townhouse may only be sold in the future to a Qualified Buyer certified by the Edgartown Planning Board.
- d. Should any owner desire to sell the townhouse, the sale price to the subsequent buyer shall be the total documented investment in the property by the owner (the original sale price plus any documented costs of capital improvements to the townhouse). These restrictions would not apply to the sale by foreclosure by an institutional lender providing a mortgage for the property.