

James Vercruyse said are you saying that there were no historic windows in the historic part of the structure and what happened to the materials. **Patrick Ahearn** said in the cape area there was not any and all was disposed of.

James Vercruyse said are there photos before your demolished. **Patrick Ahearn** said there are.

There was a discussion about the November 2018 Building Permit.

- **Ben Robinson** said he has reviewed the November 2018 plans and there was no intent to save the middle section and shouldn't we be honest about that.
- **Peter Rosbeck** said after he saw the Building Inspector about safety concerns it was taken down.
- **Patrick Ahearn** said if we take your point of view if there was nothing in the documents other than the tower and a valid Building Permit from the Building Inspector why are we here. It is not the responsibility of the architect, builder or owner to refer to the MVC it is on the Building Inspector.

Gail Barmakian said was there any sensitivity to what was in the house before it was demolished. **Patrick Ahearn** said they photographed every room in the house before demolition.

Linda Sibley said the applicant referred to a valid building permit. If the item is on the MVC Checklist the town authority does not have the authority to issue the permit. It is their responsibility to know the Checklist items. It is in their best interest and it is not an excuse.

Richard Toole, Public Hearing Officer, closed the Public Hearing and left the Written Record open until August 29, 2019.

3. MEETING HOUSE PLACE RE-DESIGN-EDGARTOWN DRI 682A PUBLIC HEARING

Commissioners Present: G. Barmakian, T. Barnes, L. Brathwaite, R. Doyle, J. Goldstein, F. Hancock, J. Joyce, M. Kim, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruyse.

For the Applicant: Sean Murphy, Doug Hoehn.

Richard Toole, Public Hearing Officer opened the Continued Public Hearing and read the Public Hearing Notice. The applicants are Meeting House Way LLC, Sean Murphy and Doug Hoehn. The location is 139 Meetinghouse Way Edgartown Map 37 Lot 47, 54.26 acres. The proposal is the creation of 28 lots on 54 acres through a Form C Definitive Subdivision Plan. It is a work in progress and a much different proposal than what was originally presented but it is the same DRI and all of the testimony that has been taken is still valid.

James Joyce said this is a continuation so it is still under the old affordable housing policy. **Dan Doyle** said that is correct.

3.1 Staff Report

Dan Doyle presented the following:

- The site plan was reviewed. It is near Island Grove.
- It is half acres zoning and is R-20 Residential.
- A map of the conservation lands was shown in correlation to the project location.
- This subdivision proposal has undergone numerous iterations over the last year. The lots range for half acre to one acre lots with the exception of a roughly 1.5 acre lot.
- Excluding the development envelopes, 21.9 of the 25.2 acres of Priority Habitat will remain protected. An additional 9.2 acres of open space outside Priority Habitat will be owned by the Association.

- The three entrances are now all off Division Road which will be paved.
- A rendering of the ten townhomes was shown. They will be deed restricted for 25 years.
 - The townhouse must be occupied as the owner's principal residence.
 - The owner may not rent the townhouse.
 - A townhouse may only be sold to a Qualified Buyer.
 - Should any owner desire to sell the townhouse within the 25 year restriction period, the sale price, less the total documented investment in the property by the owner shall be paid to the Edgartown Affordable Housing Committee. These restrictions would not apply to the sale by foreclosure by an institutional lender providing a mortgage for the property.
- On site renewable energy is proposed with a solar sunflower.

3.2 Applicants' Presentation

Doug Hoehn presented the following:

- The project started one and a half years ago with a 36 lot subdivision on a 54 acre property.
- The adjacent area was developed in the 1980s with half acre zoning. But times have changed and this is a low density plan with current zoning.
- After the Planning Board meeting we agreed to drop 2 lots and go down to 34 lots. We had two public hearings at the MVC and received a lot of commentary and we heard all of it. After the second public hearing there were so many open questions with wastewater, density and affordable housing. Adam Turner scheduled a mid-hearing LUPC hearing for the applicants to listen and for the MVC concerns and to clarify for us. We listened to them and talked about it and said there are too many concerns and we need to restructure it to make it a viable project. The applicant said to us to redesign so we did.
- The way he approached it was how the open space was configured. It was fragmented with open space corridors and a lot of open space ran over lots and we understand someone may stray over into the open space. So he designed the open space first and then designed the lots.
- When the property was bought there was no Priority Habitat. It was remapped and now had Priority Habitat.
- On the plan all of the green is open space and the Natural Heritage protected area is designated and it was reviewed. Natural Heritage looked at the previous plan and had not yet signed off on it. NHESP will allow you to develop up to five acres of your land without considering over taken. Now we are only disturbing 3.5 acres. We sent it to NHESP and they said once they receive the proper documents they would issue a No Take letter. Jesse Leddick has issued a preliminary informal determination that the project as revised and proposed would unlikely result in a Take.
- We said to the applicant that the decision is based on benefits and detriments and they have a generous affordable housing offer. It is way over what the MVC would require and a perpetual funding as houses get sold. We think this is a substantial benefit and we are also protecting open space.
- We also suggested a cluster for empty nester housing, first time home buyers or age restricted.
- The homes will be on town sewer and water and limited to five bedrooms. The townhomes are limited to two bedrooms. The total number of bedrooms is less than the original proposal by 10 bedrooms.
- The nitrogen policy before was complicated and taking liberties with some of the numbers and did not address the MVC policy directly. There were too many loose ends so we scraped it. The consultant was trying to get to Net Zero.
- He has redone the nitrogen policy himself and did it according to the MVC policy the best he could. The nitrogen numbers if you just count the roof, porch and driveway runoff and 4,000 sf

fertilized lawns and gardens is just over the MVC policy by 1.8 kg. We would like to use the rest of the property other than the 4,000 sf lawn which is minimal so everything else on the lot has to be counted as landscaped. We want to have the ability to use the rest of the lot. So we took the entire rest of the development envelope and counted it as fertilized lawn and garden. With that we end up with 27 kg over the MVC number. We propose to mitigate by taking the abutting 12 lots on Hotchkiss Lane to tie into the town sewer at the applicant's expense. Our nitrogen number will be about half of what the MVC allows for this project. They will guarantee 6 lots on the town sewer but want to do all 12 lots (if everyone allows them to do it). The 6 lots will get us 5 kg below the MVC number.

Sean Murphy presented the following:

- The affordable housing offer was made a few months ago. The gross amount is the same, \$1,112,000. Even though there are less lots the applicant will pay the same which is 232% increase over the required contribution. There is also a 1% transfer fee on the 28 lots.
- The Townhomes are something of a benefit to Martha's Vineyard as a whole if the subdivision is built. It is something for empty nesters or first time home buyers. They will be priced at \$579,000 and are 1,000 sf. They are proposed for qualified buyers and qualified is based on Edgartown Affordable Housing; "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 (15) fifteen years."
- For every five market rate lots sold by the applicant the applicant will offer two townhomes to qualified buyers. Upon acceptance by to qualified buyers the applicant will construct the townhouses. Upon 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 5 market rate lots sold by the applicant.
- The applicant will include in the covenants that all homes in the subdivision will 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.
 - Solar energy production will be a requirement for each single family house.
 - Installation of one Smart Flower per lot will be required or approved equal alternate as approved by the homeowners association.
 - Each Smart Flower will be connected to the grid for net metering.
 - Each Smart Flower will generate approximately 5,000 kWh/a and should provide 50% of the power to each home per the correspondence from Smartflower Solar LLC.
- A comprehensive traffic study along with an update reflecting the reduced lots and townhouses has been submitted to the MVC.
- An archeological study of the property has been completed and there are no impacts to the property. Confirmation of the same from the Mass Historical Commission has been sent to the MVC.
- 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.
- The property covenants were reviewed and read as noted in the Meeting House Place Narrative Updated August 22, 2019.

3.3 Commissioners' Questions

Doug Sederholm said on the resale restrictions on the town houses is that 25 years from the first deed?

Sean Murphy said it is.

Doug Sederholm said what is the reason for 25 years versus 30 years with an option to renew. **Sean Murphy** said the applicant is happy to revise the offer and it might even be in perpetuity. The intent is to provide for empty nesters and first time homebuyers. They are open to perpetuity.

Adam Turner said do you feel you have to pave Division Road? Will the traffic pattern change? **Sean Murphy** said they talked with Heather and they have no idea how the road will be used or if it will be used as a cut thru. **Doug Sederholm** said instead of two cut thrus now it will be one.

Joan Malkin said what is the thinking behind paving Division Road versus a rustic road? **Doug Hoehn** said it is too rustic and rural. Dickie Brown use to grade it and the pot holes still became prevalent so it would be consistent maintenance.

Gail Barmakian said where did you come up with the sale price for the townhomes of \$579,000? **Sean Murphy** said the owners looked at the numbers for the cost to build and tried to come up with a number below the market but would cover their costs. It is not intended to make a profit, just to break even. It will have management and their own separate operation similar to what is in Hidden Cove.

Gail Barmakian said Edgartown does not have any regulations for nitrogen in the Great Pond. **Doug Hoehn** said Edgartown does not have any specific nitrogen regulations it has Board of Health regulations.

There was a discussion about the townhomes.

- **Doug Sederholm** said how would the townhomes be assessed with a separate homeowners association for the shared costs?
- **Sean Murphy** said they will have to be condos.
- **Doug Sederholm** said is there any projection of the monthly fees.
- **Sean Murphy** said it would be for a reserve fund to keep the buildings up, insurance and road maintenance. There are no amenities. It would be a minimum.
- **James Joyce** said that there is a condo development nearby and they have been selling for \$530,000 to \$600,000 and they are a little bigger but older. He asked if the location for the townhomes and the parking on the map is accurate.
- **Doug Hoehn** said they added it to show something and it has to be corrected.
- **Doug Sederholm** said there will be hardscape.
- **Doug Hoehn** said it would be.

There was a discussion about nitrogen reduction.

- **Joan Malkin** said wasn't there something about installing individual wells for irrigation to reduce nitrogen.
- **Doug Hoehn** said we did for the purpose of another nitrogen reduction but it was so minimal we decided not to do it. The water withdrawal limits in Edgartown are 40 years old and they are under the same issue as other areas. They have an abundance of water and the rates are in the process of being revised. There is no water issue.
- **Joan Malkin** said if you were not to allow irrigation and fertilization would the nitrogen go down.
- **Doug Hoehn** said it would be big and if you have wells you are still taking water out of the aquifer.
- **Michael Kim** said with the nitrogen plan you will meet the guideline numbers by extending the sewer system to neighboring homes.
- **Doug Hoehn** said they are proposing to mitigate with the neighboring lots at the applicant's expense to take them off old Title V systems and it would remove 5.4 kg/house per year.
- **Michael Kim** said is this a form of nitrogen credit.

- **Doug Hoehn** said maybe.
- **Sean Murphy** said we would tie these homes in before we sell the lots.
- **Gail Barmakian** said have you approached people specifically about this.
- **Sean Murphy** said one of the owners has and has received four yes and no declines yet.
- **Doug Hoehn** said it is a benefit for them as they are now restricted on the number of bedrooms and replacement if the septic fails.
- **Doug Sederholm** said what would the septic bill be for those on Hotchkiss Lane?
- **Doug Hoehn** said \$76 per drain.
- **Sean Murphy** said it is \$700.00 to \$800.00 per year and they would possibly gain one bedroom.
- **Doug Sederholm** said it would increase the market value of the home.
- **Linda Sibley** said what is the impact of the adjacent development becoming denser and adding traffic?
- **Doug Hoehn** said it would be the same nitrogen generation with up to five bedrooms.
- **Sean Murphy** said there is no impact on traffic as it is an already built development.

Ben Robinson said did you consider all electric for the homes for energy efficiency. **Sean Murphy** said we can look at that.

3.4 Public Testimony

Susan Drogin said the word perpetual has been used several times. How are these rules and covenants enforced with the developer and the buyers as well as future sellers and kept perpetually and enforced for all of these promises and preventing renting for the townhomes. Who pays to enforce?

- **Sean Murphy** said it would be through the covenants and the townhomes are deed restricted. The association enforces. The association would also enforce for renting. The intent of the townhomes is to help generations of families and hopes if others see something wrong they would report it.

Emily Reddington is a biologist and the Executive Director of the Great Pond Foundation. She acknowledges the forward thinking of the MVC and the Town of Edgartown for giving the Great Pond DCPC recognition and that has helped to restore the ecosystems. We have two years of algae blooms after two years of clear water and are seeing low dissolved oxygen numbers. We are at a tipping point for this pond. We need to reduce what is there so we are concerned about development. We ask you to think about what we plan for in the next 50 years. Do we lose the investment of resources or do we protect it. Losing eelgrass has an impact on the Island and the environment globally.

Jeff Agnoli said clearly this is a pig's ear that will not turn into a silk purse. Two weeks ago the climate change meeting urged the Island to wake up and do what you can where you are. He would like everyone to follow their example, actions not words. This is clearly a wrong project. It should be conservation land and enjoyed by all people. You can't get out now by Morning Glory Farm. This will be luxury homes, second and third homes. It will dwarf the benefits of what is there now. The other side of Division Road is also being developed. You have a once in a generation chance to make a difference.

Chandler Lincoln said there are 11 homes on Hotchkiss Lane and they are the only year round home. Has that been taken into account in terms of nitrates. No one should call \$579,000 for an average 1,000 sf affordable. Martha's Vineyard does not have to be like everyone else. He agrees with Jeff Agnoli's comments.

Candy Lincoln lives on Hotchkiss Lane and said that the traffic study done is not correct. One to two trips per day at each house is absurd. You need to think of the deliveries for oil gas, Brunos, etc. Think of all of the traffic going down Meetinghouse Way. We walk our dog and the traffic is horrible. We were offered by letter that his person would pay for septic. Most of the lots are only ¼ acre and her house is within

setbacks and she can't extend and put in a bedroom. So the offer is meaningless to her. She worries about the Great Pond and our natural resources. The pond is coming back now. Why are we doing this in this very volatile area?

Saul Greenfield lives on Hotchkiss Lane and said there was an article in the Gazette regarding traffic. You have been allowing the suburbanization of Edgartown. He is glad the applicant called it a subdivision. With respect to traffic this density of housing will make it absurd. It is the power of the MVC to stop it and to stop it now. He cannot believe that this development will not contribute to the bloom in the pond.

Jim Athearn said we have been furiously building up the Island for the last 50 years so we need to stop and do we do it when it is 50% ruined or 75% ruined. The MVC has the power and legal responsibility to protect the people of Martha's Vineyard. Perhaps it is all a shell game with the proposal to have no open space and then open space. Even one house brings in more growth with it. With regards to empty nesters the house they vacate now is available and creates more growth. He hopes the MVC will address. Will the sewer for Hotchkiss Lane be done through the subdivision or down the Road to the Plains.

- **Doug Hoehn** said they would like the connection to the sewer to go through this subdivision and under the open space and to the corner of Meetinghouse to Hotchkiss Lane. Dave Thompson and Natural Heritage are fine with it.

Caroline Metz lives in Island Grove and walks down Division Road and Road to the Plains everyday and the traffic is way more than you described first thing in the morning and throughout the day with landscaper trucks, Bruno's, etc. You need to look at the whole picture and not just this development.

Anne Billings lives on Meetinghouse Village and has been coming here since 1955. She can't imagine having any houses added to this area and another development on the west side of Division Road.

Candy Lincoln said we are a narrow dead end street with underground utilities. If the road is dug up to put in septic how does it get there?

- **Doug Hoehn** said they do a directional bore and they don't dig up the road.

Saul Greenfield said the density is not merely on the roads in the development it is everywhere. You have created a scenario of why would anyone come here for vacation. Parking is worse than in Manhattan and it will be augmented by these many homes.

Linda Sibley asked to be shown where Hotchkiss Lane is. **Doug Hoehn** showed it on the map.

Jeff Agnoli asked if the public knows how the members of the MVC vote.

- **Doug Sederholm** said they do and it is recorded in the written decision that is also recorded.

3.5 Commissioners' Discussion

Josh Goldstein said with regards to Mr. Greenfield's reference to the traffic article in the Gazette has the Landbank or any other organization been inclined to purchase the property. **Sean Murphy** said the Landbank declined twice.

Josh Goldstein said he does not know how to balance this. What is right?

Gail Barmakian said she is hearing no more development.

Bill Veno said at LUPC there was some talk of an easement along Meshacket for a bike path. **Sean Murphy** said it is in the applicants offers and is a 15 foot wide easement.

Richard Toole, Public Hearing Officer closed the Public Hearing and left the written record open until August 29, 2019.