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Martha's Vineyard Commission

DRI 682B – Meetinghouse Place Subdivision

MVC Staff Report – 2020-06-18

1. DESCRIPTION

- 1.1 Applicant:** Meeting House Way LLC; Sean Murphy (attorney); (Doug Hoehn, Agent)
- 1.2 Project Location:** 139 Meetinghouse Way, Edgartown (Map 37 Lot 47 – 54.26 acres)
- 1.3 Proposal:** Creation of **twenty nine (29)** lots on 54 acres through a Form C Definitive Subdivision Plan.
- 1.4 Zoning:** R-20 Residential: ½ acre minimum lot size; 50' minimum frontage.
- 1.5 Local Permits:** Planning Board.
- 1.6 Surrounding Land Uses:** ½ acre Residential and Woods. Across Meshacket Road from the capped town landfill. Five lot subdivision with parcels ranging between 1.34 and 1.91 acres and up to 7 bedrooms approved in 2018, on other side of Division Road. 32-unit affordable housing project planned by Town for adjacent parcel to the northeast.
- 1.7 Project History:** This subdivision proposal has undergone numerous iterations over the past two years. In 2017, the lot was subdivided into 5 lots. Two distinct site plans have been proposed leading up to this current design.
- 1.8 Project Summary:** Creation of **twenty nine (29)** lots on 54 acres with one lot that would host 14 multi-unit structures set aside for first time homebuyers and “empty nesters”.
- The twenty nine lots range from roughly ½ acre to 1 acre lots, with the exception of the roughly 1.4 acre lot with 14 townhouses priced below market rate.
 - Each of the SF residential lots will be allowed a maximum of 5 bedrooms per lot.
 - House sizes are “limited” to 3800 sf of living space. There will be no free standing guest houses, but small bedrooms above garages will be permitted for an additional 400 sq ft of Living Area.; these will also contribute to bedroom counts.
 - Nearly 16 total acres on the site would be permitted for development with this proposal; this includes roads.
 - Excluding Development Envelopes, 21.9 of the 25.2 acres of Priority Habitat will remain protected. The remaining 3.3 acres that is slated for potential development is below the NHESP threshold for a taking. An additional 9.2 acres of open space outside Priority Habitat will be owned by the Association.
 - All 28 Single Family homes will have significant solar capacity, generating 10,130 KWH/yr per property. This is expected generate excess electricity that will be sold back to the grid.
 - Propane is the proposed heating source.
 - Development envelopes for the SF homes average 19,047 sf, with a maximum of 4000 square feet per lot dedicated to *fertilized* lawn and garden space.

2. ADMINISTRATIVE SUMMARY

- 2.1 DRI Referral:** Edgartown Planning Board
- 2.2 DRI Trigger:** 2.2A (Division of Land of 10 acres or more); a mandatory DRI public hearing review.
- 2.3 LUPC:** September 24, 2018, August 19, 2019, May 18, 2020
- 2.4 Public Hearing:** February 7, 2019, continued on April 25, 2019, continued to August 22, 2019

3. PLANNING CONCERNS

3.1 Some Key Issues

- **Character:** How formative a change does a 3,800 sq ft. home size cap represent in a neighborhood where homes average below 1900 sq ft.? Homes built since 2010 in the district average 2777 sq ft.

- **Water Use:** How does the Applicant propose to conserve water and meet Edgartown’s 75 residential gallons per capita day (RGPCD) allocation, as per MassDEP’s standard? Note: there are presently no aquifer recharge concerns for the island’s sole source aquifer.
- **Wastewater:** Though connected to sewer, the clearing of the land for roads and development will increase nitrogen in an impaired watershed with a Total Maximum Daily Load (TMDL). The project is currently estimated to be over the new MVC Nitrogen Loading Limit unless they can get six or more homes from Hotchkiss Lane to connect to Town Sewer, which the Applicant proposes to do. Seven Hotchkiss Lane homeowners are reported by the applicant to have committed as of February 2020 – and the Applicant is willing to connect up to 12 additional homes within Hotchkiss Lane.
- 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.
- **Energy / Environment:** Proposal exceeds MVC Energy and Environmental Building (EEB) Policy in renewable energy generation and will achieve Energy Star 3.1 certification. It falls short on the LEED threshold cited in the EEB Policy.
- **Equity:** As per the proposal, covenants would apply a different energy code standard to market rate and below market rate homes. The former would achieve Energy Star 3.1 certification.
- All three entrances to the properties will be situated on Division Road, which the applicant proposes to pave.
- **Traffic:** How will the improved Division Road—which though not a public road, the public has rights to use—affect traffic patterns unrelated to the project?
- **Trails/Paths:** Applicant agrees with continued public access to existing trails along the east perimeter linking Meshacket Road with Meeting House Road. Applicant’s statement to not obstruct or deny public access to the existing trails is not as desirable as granting an explicit public easement, which should also include reclaiming Old Meshacket Road for trail use. The extension of this old way was secured by an easement on the adjacent Division Road subdivision in 2018.
- **Lighting:** Seasonal lighting provision in the property owners Design Guidelines allows for illumination of trees, shrubs, and holiday decorations and appears in conflict with Dark Sky compliance.

3.2 Environment

- **Vegetation:** The site is currently a combination of mixed oak forest with a large area of pitch pine (*Pinus rigida*) along the southern and eastern boundary. There are some disturbed areas consisting of dirt roads and small clearings associated with past storage of marine and construction materials.
- **Habitat:** The property is partly mapped by NHESP as significant habitat for endangered species. According to the ENF submission NHESP indicated in a letter dated 4/24/17 that there is one state listed rare species, Imperial Moth (*Eacles imperialis*), as having been found in the vicinity of the site. Nearly 22 acres of habitat would be conserved.
- **Archeological:** An archeological study was completed stating there would be no archeological impacts if the property were developed.
- **Energy/Sustainability:** Energy Star 3.1 certification will be required for all buildings. Solar energy production will be required for the single family houses, generating a total of 10,130 KWH/yr (100% of domestic electricity demand). The proposal is for each house lot to utilize either 2 Smart Flowers or a single Smart Flower and a solar installation.

As for MVC’s **EEB Policy**, projects over 20 units are held to a LEED certifiable and Energy Star certification standard. The proposal meets the Energy Star component and though it falls short on LEED, the proposal incidentally addresses the LEED prerequisites in varying amounts. The degree the project addresses these areas are as follows, roughly in descending order: Energy & Atmosphere, Innovative Building Features, Water Efficiency, Indoor Environmental Quality, Sustainable Site Development, Regional Priorities, Materials & Resources, and Location & Transportation.

- **Lighting:** Covenant states that all lighting will be Dark Sky compliant but Design Guidelines seem to provide for a seasonal / holiday exemption.
- **Landscaping:** All fertilizers will be reduced nitrogen, slow release and in compliance with the approved fertilizer regulations in Edgartown.
- **Open Space:** The property is mapped on the MVC Open Space and Natural Resource Significance Map as “Important”. The MVC Open Space Policy recommends a target of 60% open space preservation on potential subdivisions in this category. The dedicated Open Space amounts to roughly 58%, will be deed restricted and owned by the Homeowner’s Association. The total does not account for additional area, between setbacks and lot lines.
- The Subdivision will preserve a deed restricted moth habitat along the entire eastern boundary.
- The 200’ deep landscape buffer along Meetinghouse Way was already part of the property. This is not yet permanently restricted.
- **Open Space Policy Considerations:**
 - **Primary Open Space:** the site does not contain wetlands, ponds, streams, flood hazard areas, or known archeological resources. An Intensive (locational) Archaeological Survey was prepared by PAL and submitted to the MHC that yielded no historic or archaeological resources. There are no Zone 1 protection areas around public water supplies on the property though there is one on an abutting property. There is an existing trail along the eastern side of the property in an area that is going to be deed restricted moth habitat.
 - **Significant Natural Features:** The property is largely un-fragmented woodland with some areas of disturbance on the western side. The eastern and southern sides of the property are dominated by pitch pine (*Pinus rigida*) which is habitat for the Imperial Moth (*Eacles imperialis*), a rare species. The western and northern sides of the property are dominated by oak trees which provide the best habitat for the largest number of species. The property is close to several large tracts of protected open space and agricultural land, as well as large tracts of unprotected developable land.
 - **Site Characteristics:** The site is generally level with some slight topography and no wetlands. Soils are well-drained, sandy to loamy sand soils.
 - **Water Source:** Town Water.
 - The site is in a Zone 2 Water Recharge Area.
 - The Town is in the process of updating its withdrawal volumes with MassDEP. The future demand permit between Edgartown and the State will account for the Meetinghouse Way development.
- **Wastewater / Stormwater:**
 - **Nitrogen Loading:**

The proposed homes surpass their allowable limit. Applicant is proposing to connect 12 homes from Hotchkiss Lane to offset their excess nitrogen. A minimum of six will achieve the necessary offset.

3.3 Transportation

- **Trails:** The property is bound by segments of three ancient ways, contributing to an existing informal network of paths allowing people to walk, horseback ride and off-road bicycle between Meshacket Road and Meetinghouse Way and the Town’s Wilson’s Landing public open space on Edgartown Great Pond (EGP).
 - Nearest Meshacket Road, 160+ feet of Old Meshacket Road is overgrown and hasn’t been used for decades. A trail easement was granted in 2018 for an adjacent segment to the west as a condition of the Division Road subdivision (DRI 683). An easement from the applicant for this segment of the old way would link to Swimming Place Path and town-owned land.
 - Intersecting with Meshacket Road and Old Meshacket Road and extending along the entire NE boundary of the property--more than 1,300 feet--is Swimming Place Path which is passable and has been protected by the Town as a Special Way since 2009.

- Intersecting with Swimming Place Path and the easternmost corner of the property is an unnamed path that runs parallel to and within approximately 30 feet of the property's southeastern boundary some 1,300 feet until veering southerly to again run along the southeastern boundary that is the location of Pease's Point Way and extends nearly 700 feet to Meetinghouse Way. Roughly 200 feet of Pease's Point Way nearest Meetinghouse Way also serves as the driveway of an abutting residential lot. Shifting this segment of the trail perhaps 30 feet to the northwest would allow separating the trail from the driveway. Provisions for management of the conserved open space should allow for this possibility.
- The applicant's plan retains the existing path along the eastern side from Swimming Place Path to Meetinghouse Way and the narrative states that the applicant will not block or restrict public use of the path. It would be preferable for an affirmative statement granting public use to the trails and clarification of who has responsibility for maintaining the trails. The MV Land Bank has offered to accept a trail easement to accomplish such.
- The plan does not show any internal circulation for lot owners to walk about and access the public paths and Division Road. The property owners design guidelines allow for development of trails in the conserved land.
- **Traffic Study:** The Applicant had a traffic study prepared by Greenman-Pedersen, Inc. in January 2018. An updated Trip-Generation Letter was submitted March 27, 2020 accounting for the additional housing units.
- **Access:** The site has three accesses: all of them are off of Division Road. Each accesses a single cluster of residences, and do not allow for circulation to the others inside the site.
 - Meetinghouse Way has long been a gravel road but has been paved recently.
- **Sight Lines:**
 - The sight lines are adequate to the left and right on Meshacket.
 - The sight lines are adequate to the left and right on Meeting House Way.
- **Trip Generation:**
 - **Existing Traffic** – The August 9-15, 2017 automated traffic recorder counts show an average daily traffic (ADT) of roughly 3,900 vehicles at the Meshacket Road, east of Landfill Road location and roughly 650 vehicles at the Meeting House Way, east of Wilson's Landing.
 - MVC Staff conducted AM, mid-day, and PM Turning Movement Counts (TMC's) at the intersections of Meshacket Road/Edgartown West Tisbury Road and Meshacket Road and Marsh Hawk Road. The applicant will be provided the data to update in the TIA.
 - **Future Traffic** – ITE Land Use Code (LUC) 210 (Single-Family Detached Housing) + Townhouses
 - ITE trip generation rates were applied to the proposed residential subdivision to generate the estimate of 32 additional trips (8 In / 24 Out) that can be expected to occur during the AM peak hour (8:00 to 9:00 AM).
 - ITE trip generation rates applied to the proposed residential subdivision generate the estimate of 40 additional trips (25 In / 15 Out) expected during the PM peak hour (4:15 to 5:15 PM).
 - The ITE estimated total daily trip generation for the proposal is estimated at 338 trips.
 - **Future Developments** that may contribute traffic to the area:
 - Edgartown Affordable Housing Project (38 total units; 6 -ownership, 28-32 rentals) and Division Road Development (5-lot subdivision). The report did include future developments such as the Edgartown Lofts and Stop & Shop Expansion.
 - **Crash Data:** The Traffic Impact Study should be updated to include the most recent three year period. This 2014-2016 crash data cited, is now outdated.
- **Mass Transit, Bicycle and Pedestrian:**
 - The VTA provides no bus service along Meeting House Way or Meshacket Road.
 - The nearest VTA bus stop is located ¾ miles north of the project site across from the Morning Glory Farm on Edgartown-West Tisbury Road for the Bus Route #6 (Edg-WT Road).

- A 15' wide dormant easement will be obtained and granted to the Town where Lot 240 abuts Meshacket Road to be used for a bus stop and/or SUP if either is ever established. There are no sidewalks on Meeting House Way proposed in the plan.
- **Probable Impacts:** This review of the proposal, plan, and site indicates that the proposed project could have the following impacts on the existing traffic situation: Division Road will be paved, making it much more attractive to cut-through traffic between Meshacket and Meetinghouse—including bicycles. Paving should account for this.
- Applicant shall provide analysis regarding impacts of paving Division Road.

3.4 **Affordable Housing**

- The MVC Affordable Housing Policy in effect at the time this Application was initiated requires 10% of the buildable lots in a subdivision be provided for the purpose of meeting the needs of low and moderate income residents housing needs. Alternatively, the policy allows 20% of the currently assessed value of the property to be contributed towards Affordable Housing creation.
- The 54 acre property was sold on June 28, 2017 for \$6,600,000.
- According to Edgartown Assessor Records the total 2020 Assessed Valuation is \$ 4,540,600 for five lots totaling 54.26 acres. The 20% value of \$4,540,600 is \$908,120.
- The Applicant's Affordable Housing offer is \$1,112,200. \$490,000.00 shall be paid upon receipt of all permits required for the subdivision.
- The Edgartown Affordable Housing Committee submitted a letter to the applicant indicating they accept the terms of the offer.
- 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, a 230% increase above the required contribution.
- Additional offers for the purposes of Affordable Housing including that for any future sale of a lot the seller will pay 1% of the sale price to the Dukes County Regional Housing Authority. This will be written into the covenants.
- The applicant's offer of \$1,112,000 monetary mitigation, and additional offers, are consistent with the MVC's Affordable Housing Policy dated 1998.

3.5 **Economic Impact**

- Potential impacts to municipal services such as police and fire are likely to be minimal since the proposed project is located within a developed residential area. The proposed project may have minimal impacts to schools depending if the homes are occupied year-round.
- Connection to town water and sewer will take place at the Applicant's expense.
- The project will spur significant activity in the construction and professional services industry.

3.6 **Scenic Values**

- **Streetscape:** From Meetinghouse Way, there is a 200 foot vegetated buffer that will provide some measure of screening. Lot A4, closest to Meshacket Road could be visible from the public way.
- **Building Massing:** The plan would allow for very large houses with a self-imposed limit of **3800 sf** of living space, a minimum 2 car garage and 400 sf bedroom above. Most houses should be away from the public streets. No architectural plans for the Single Family Homes have been submitted.

3.7 **Local Impact/Abutters**

- Abutters have written with concerns for the density, character, impact on the pond and roads.

4. **CORRESPONDENCE**

THE FOLLOWING CORRESPONDENCE BELOW PREDATES THE MOST RECENT REDESIGN PLAN

- ### 4.1 **Island Boards / Committees: Fred Mascolo, Chair of the Edgartown Planning Board,** explains his support of the project by enumerating the project elements which satisfy several MVC Policies – from Open Space

Preservation and Affordable Housing to Water Quality and Site Design & Landscape. He goes on to note the contributions this project will make to the community, a preferable outcome to the alternatives this site would otherwise see. **Arielle Faria, Administrator, on behalf of Town of Edgartown Affordable Housing Committee** requests that the \$490,000 in Affordable Housing mitigation be paid to the Committee in full, upfront and notes the Committee is pleased with the additional monetary support offered by the Applicant.

Island Organizations: **Emily Reddington, Executive Director of the Great Pond Foundation**, which is dedicated to studying and preserving the health of Edgartown Great Pond (EGP) and therefore is concerned about any alterations to EGP and its watershed that may worsen current conditions and ultimately disturb the stability of the Pond ecosystem has written with concerns of increasing the overall nitrogen load of EGP and asks you to consider the current capacity of the Edgartown Wastewater Treatment Facility. **Brendan O'Neill, Executive Director of the Vineyard Conservation Society**, recently underscored his concerns from an earlier letter about impacts on rural character, open space protection, and the size of the structures. He asks how water withdrawal requirements, energy footprint impacts, and DEP's no-net-increase in N2 loading goals and offset requirements will be met. He notes that land clearing as part of this DRI will generate a nitrogen surge to the Great Pond and urges a vote of disapproval of this DRI. **Luanne Johnson, PHD, Director/Wildlife Biologist of Biodiversity Works**, cautions against approving a proposal that would further fragment habitat that presently serves as wildlife corridors, most notably between Jernegan pond area and Turkeyland Cove of Edgartown Great Pond. She also cites the perils of cumulative development and shifting norms of increased tolerance for environmental degradation by each successive generation of islanders.

Public: **Sandy and Jason Honeyman** have written expressing their concern about increasing the density in the neighborhood. Since 2012 much of the land on Meeting House Way near the Edgartown Great Pond has been sold and is planned to be developed. In addition, the paving of Meeting House Way has substantially increased through traffic down the road. They urge the Commission to consider approving a less densely populated development. **Elisabeth Elden** has written with concerns asking to reduce the development to a reasonable number of houses, to smaller lots, leaving larger tracts of land undisturbed with several homes that are within affordability of year-round island residents. **Saul P. Greenfield** has written that a tipping point may have been reached or exceeded and the crush of traffic and accessibility to town centers and beaches is not unlike any suburban area and this is not what people come here for. **Hudson Bausman** echoes that concern. **Patrick Kager and Jeffrey Agnoli** have written asking the MVC to deny this application which will completely destroy a unique piece of land with too much density, massive additional water use, a detrimental impact on the Great Pond, tax the existing island energy grid, and the developers have not provided information on the required habitat offset for their net taking of the endangered Imperial Moth. He adds concerns about segmentation and suggests a more appropriate alternative is to maintain the 5 lot plan approved by the Edgartown Planning Board on March 16, 2017. **Chandler and Candis Lincoln** have written with concerns with all the issues stated in a letter to you from Patrick Kager. **Sharon, Steve, Estelle, Bryce and Charlotte Vitti/Cadrain** are opposed to this proposal because it will ruin a beautiful part of the Vineyard and has the potential to damage the natural habitat, including the beloved Edgartown Great Pond. **Betsy Carnie** underscores the perils of unbridled development on the island – both ecologically and character-wise. **James Athearn** cautions against pushing beyond a tipping point of traffic and development. **Saul Greenfield** echoed this concern, a second time. **Liz Durkee** discourages approval of a large subdivision during an era of accelerated climate change. **Linda Smith Cohen** balks at the housing cap size of the proposed single family homes and notes they would contribute to eroding the soul of the Vineyard. **Robin Bray** echoes Luanne Johnson's concerns and goes onto to urge a prohibition on the use of rodenticides and bait boxes that amount to fatal damage up the food chain. She also cautions against such high density of very large homes. **Judy Jennings** applauds the creation of modest homes for islanders looking to downsize but bristles at the

prospect of more “McMansions.” **Geraldine Moriarty** fears construction of the latter. **Betsy Carnie** implores the Commission to deny the project on character and environmental grounds, citing our threatened ecosystem at stake. **Jonathan Ahlbum** is highly concerned about negative impacts to the watershed by the proposal. **Tot Balay, David Nash, Chris Cowan** all cite their concerns about cumulative impacts and the detrimental impacts a development of this stature will have on the environment.

Becca Rogers encourages MVC to negotiate the best conditions possible to redistribute resources from the developers to those areas in need of assistance on the island. **Barry Koretz** hopes MVC will ensure an appropriate mix of housing types for a range of income brackets, along with applying Smart Growth principles. **Akram Elouche** touts the numerous benefits an approval would provide on the following counts: Affordable Housing contributions, reduced density from what is permitted in the zoning district, preservation of sensitive habitat and trails.

POST REDESIGN SUBMISSION – the correspondence below is in direct response to the most recent redesign submitted by the applicant.

4.2 Greenman-Pedersen, a Transportation Engineering Firm, submitted a Trip Generation Letter that quantifies the minimal difference in estimated trips the most recent redesign proposal will have. This built upon their initial Traffic Impact Access Study.

Island Organizations: Brendan O’Neill, Executive Director of the Vineyard Conservation Society, notes the undisturbed habitat at stake, and urges the Commission evaluate the environmental impacts for development that would be allowable under an approval to subdivide the property into five sites in 2017. **Anne Mazar, Great Pond Foundation Board Member**, cites the precarious condition of Edgartown Great Pond and claims there will be additional nitrogen and phosphorous entering the watershed despite the sewer hookup.

Jon Ahlbum believes that connecting homes beyond the subdivision to sewer will ultimately reduce nitrogen levels in Edgartown Great Pond and supports the project for this reason. **Akram Elouche** supports the project given it will generate jobs, along with affordable and workforce housing unit, while respecting island character. **Michael Frick** explains numerous issues prompting his support, from affordable housing generation to its benefit to the property tax base to its offer of sewerage additional homes in the neighborhood, amongst others.

Robin Bray indicates her disapproval of the current proposal, in part owing to supply chain issues related to COVID-19 – and includes conditions that should be implemented if the Commission approves the development. **Jim Athearn** cites development limits placed on other industries as precedent for preventing excessive growth, which he believes this proposal represents. **Veronica Lundgren** laments another paved road on the island and asks that the testimony of those acting in a professional capacity receive careful consideration. **Cathy Lewis** appeals to the Commission to deny the project based on a concern to protect what we already have, rather than approve more development. **Vasha Brunelle** categorizes the project as a drain on resources and writes that second homes provide no benefit to the Vineyard. **Jeff Agnoli** cites the distinctions between essential and non-essential demands that burden the Vineyard supply chain and given recent COVID-19 disruptions, implores the Commission to view this project as the latter. **David Nash** asks that his conclusions from his previous letter be applied to this project given his belief that the proposal will detrimentally impact the island. He also submitted **Jeff Agnoli’s** May 28, 2020 Letter to the Editor, published in the Vineyard Gazette, which echoes the correspondence Agnoli submitted for this most recent redesign. **Virginia Jones** reckons the detriments far outweigh the benefits of the project, and underscores her objections to hosting virtual meetings as a proxy for traditional public hearings - suggesting projects of a large magnitude be placed on hold.

Madeline Fisher expresses this same sentiment. **Nathaniel Metz** concurs with VCS' assessment that the project will threaten key environmental assets. **Susan and Elizabeth Phelps** cite the perils of overbuilding on the island, along with habitat concerns. **Jackie Friedman** touts the opposition of the Edgartown Great Pond Association and cautions against approving a project that would undermine island character and jeopardize the vitality of the pond. **Cathy Lewis** cites similar concerns along with traffic. **Eric Caplan and Annamaye Clonts** oppose the project on the grounds the development will compound the nitrogen issue facing the Pond's vitality. **Donald and Bonnie Foley** note the dubious condition of EGP as their primary opposition. **Gerald and Linda Jones** fear a reversal of recent gains made to improve the EGP's condition, and note that it cannot endure any additional increase in nitrogen.