



## Martha's Vineyard Commission

### DRI 683 - Division Road ANR

### MVC Staff Report – 2018-06-12

Note: New information is printed in bold type.

#### 1. DESCRIPTION

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- 1.1 **Applicant:** Boston Equity RE LLC (Doug Hoehn, Agent)
- 1.2 **Project Location:** Division Road (aka Henry's Path), Edgartown (Recent 8.5 acre Division of Map 37 Lot 46 – 25.75 acres)
- 1.3 **Proposal:** Creation of five lots through a Form A (Approval Not Required) application.
- 1.4 **Zoning:** R-20 Residential: ½ acre minimum lot size; 50' minimum frontage.
- 1.5 **Local Permits:** Planning Board Endorsement of Adequacy of Road.
- 1.6 **Surrounding Land Uses:** Residential and Woods
- 1.7 **Project History:** The Planning Board endorsed the 5-lot as a Form A (ANR) on March 6, 2018 citing "adequate and accessible frontage onto a public way...". A member of the Board noted that the project required referral to the MVC as a DRI under Checklist 2.6 (ANR of 3 lots or more). The Board failed to refer the project at that time but when informed by the MVC that the project did require referral they sent before the endorsed plan was recorded. This lot was created from a division earlier this year (February 22, 2018) of a 25.75 acre property. That division of land should have been referred to the MVC under DRI Checklist Section 2.3 (Division of 10 acres or more) unless they made them irrevocably prohibited from further subdivision. The Applicant submitted revised plans May 24 that included a shared driveway and proposed covenants that include a commitment to no further subdivision.
- 1.8 **Project Summary:** Creation of five lots through a Form A (Approval Not Required) application.
  - The five lots range from 1.34 to 1.91 acres. There is no local review with an ANR.
  - The Applicant submitted revised plans May 24 with building envelopes and proposed covenants. **The Covenants include a prohibition against further subdivision; All construction, structures, landscaping and activities shall occur inside the Development Envelope of the lots as shown on the Plan; and include an easement for an 18' wide common driveway on Lots 2 and 3 within the area shown on the Plan as "Common Driveway Easement" to serve all 5 lots on the Plan.**
  - Applicant agent stated at site visit that each lot could have up to seven (7) bedrooms each.

#### 2. ADMINISTRATIVE SUMMARY

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- 2.1 **DRI Referral:** Edgartown Planning Board
- 2.2 **DRI Trigger:** 2.6 (ANR of 3 lots or more); a Concurrence Review. Voted a DRI.
- 2.3 **LUPC:** May 14, 2018; LUPC recommended a Public Hearing review. Plan was revised.
- 2.4 **Public Hearing:** The MVC voted that a public hearing as a DRI was required on May 24, 2018.

#### 3. PLANNING CONCERNS

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##### 3.1 Some Key Issues

- The previous division of 25 acres should have been referred to MVC under DRI Checklist 2.3 C. **If the other part (15.5 acres) is subdivided the MVC Affordable Housing Policy should come into effect when and if that property proposes five or more lots.**
- **The Land Bank has asked that the MVC to examine the locus for trail planning opportunities.**
- **The MVC Open Space Policy recommends a target of 60% open space preservation on potential subdivisions in areas mapped as "important".**
- The ANR is proposed on what has historically been a single lane private dirt road of unknown age.
- There is a dispute over ownership of lot that provides access to the private way from Meshacket.

### 3.2 Environment

- **Vegetation:** The site is currently woods and meadows.
- **Habitat:** This property is not mapped by NHESP as significant habitat for endangered species.
- **Landscaping:**
- **Trails:** One side of the property is an ancient way (Old Meshacket Road) and another ancient way crosses near the corner of the property (Swimming Place Path). The Land Bank has asked that the MVC examine the potential for creating a public trail as part of the DRI Review.
- **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 Policy states:** "In the case of a smaller residential subdivision with more limited open spaces to be used primarily by homeowners, the Commission may accept as adequate protection the combination of homeowners' covenants and the conditions in the Commission decision."
- **The Policy continues with:** "A minimal amount of infrastructure, such as water and sewer lines, and, in some cases an access road, may be located within the Open Space Preservation Areas provided it does not significantly impact the features to be preserved...(unless) the applicant demonstrates that there are practical difficulties in locating required septic fields within the areas to be developed..."
- **Lighting:**
- **Water Source:** Town Water.
- **Wastewater / Stormwater:**
- **Nitrogen Loading:** The proposal will be connected to the Edgartown Wastewater Facility.

### 3.3 Transportation

- **Access:** The site is accessed with one shared driveway off of Division Road (aka Henry's Path) which is off of Meshacket Road. Division Road is a dirt road that was recently improved with water and sewer.
- **Sight Lines:** The sight lines at the corner of Division Road and Meshacket Road are adequate.
- **Trip Generation:** 5 lots would be expected to generate approximately 50 trips per day.
  - The Traffic Study for a proposed subdivision on an abutting lot has apparently incorporated this subdivision into their calculations.
- **Mass Transit, Bicycle and Pedestrian:** No sidewalks, Shared Use Paths (SUP) or bus service nearby.

### 3.4 Affordable Housing

- **The MVC Affordable Housing Policy is not triggered with five (5) lots. However, the Commission notes that this subdivision of 8.5 acres is part of a recent subdivision of 25 acre. If the 15.5 acre remainder is subdivided in the future these five lots should count towards the affordable housing calculation.**

### 3.5 Economic Impact

- The potential impact on schools is likely to be minimal
- The potential impact on police and fire is likely to be minimal

### 3.6 Scenic Values

- **Streetscape: Building Massing: Architectural Detailing:** The site is not visible from a public way and no architectural plans have been submitted.
- **A.D.A. Accessibility:**

### 3.7 Local Impact/Abutters

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## 4. CORRESPONDENCE

- ### 4.1 Public:
- The Elden's in the abutting subdivision have written asking for a public hearing review noting that thorough evaluation of things such as curb cuts, paving, fire hydrants, road width, utility location and distribution, and buffers are not reviewed through the ANR process. **Richard Brown** claims ownership of Lot 240 and **Howard Miller** refutes the claim. **Suzanna Crowell** has written requesting a public hearing review.