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Decision of the Martha's Vineyard Commission

DRI 719 Island Autism Group Master Plan

1. SUMMARY

Referring Board: West Tisbury Planning Board

Subject: Development of Regional Impact #719 Island Autism Group Master Plan

Project: Construction of a central building with guest rooms, an apartment, a kitchen and office space; five separate dwelling units; a barn, and a farmstand.

Owner: Island Autism Group, Inc.

Applicant: Island Autism Group, Inc.; Kate DeVane, Executive Director

Applicant Address: P.O. Box 2786
Edgartown, MA 02539

Deed: Recorded Land: Book 1551, Page 429

Project Location: 515 Lambert's Cove Road, West Tisbury. Map 11, Lot 2.1 (7.5 acres).

Decision: The Martha's Vineyard Commission (the Commission) approved the application for the project as a Development of Regional Impact with conditions, at a vote of the Commission on July 21, 2022.

Written Decision: This written decision was approved by a vote of the Commission on August 11, 2022.

The permit-granting authorities of the Town of West Tisbury may now grant the request for approval of the Applicant's proposal in accordance with the conditions contained herein and may place further conditions thereon in accordance with applicable law, or may deny the request for approval.

2. FACTS

The exhibits listed below including the referral, the application, the notice of the public hearing, the staff report, the plans of the project, and other related documents are incorporated into the record herein by reference. The full record of the application is kept on the premises of the Martha's Vineyard Commission.

2.1 Referral

The project was referred to the Commission on December 22, 2021 by the Planning Board of the Town of West Tisbury for action pursuant to Chapter 831 of the Acts of 1977, as amended (the Act) and the Commission's Standards and Criteria Administrative Checklist for Developments of Regional Impact, DRI Checklist Item 3.1h *Commercial Development with Parking for 10 or more vehicles*; 4.1a *Creation of five or more dwelling units*; and 6.1a *Private Place of Assembly greater than 3,500 ft²*. Checklist Item 6.1a requires a mandatory public hearing review as a Development of Regional Impact.

2.2 Hearings

Notice: Public notice of the hearing on the Application was published in the MV Times on May 26 and June 2, 2022; notice was also published in the Vineyard Gazette on May 27 and June 3, 2022. Abutters within 300 feet of the property were notified by mail on May 24, 2022.

Hearings: The Commission scheduled a public hearing on the Application pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831 on June 9, 2022 which was closed that same night with the exception of the written record which was left open until 5:00 pm on June 23, 2022 and closed at that time. The written record was re-opened after a vote of the Martha's Vineyard Commission on July 7, 2022 to accept additional materials, including an updated traffic report, and was closed at 5:00 p.m. on July 18, 2022. The hearing was held entirely using remote conference technology as allowable under Chapter 20 of the Acts of 2021.

2.3 The Plan

The following plans and documents submitted by the Applicant and contained in the Commission's project file constitute "the Plan." All pages are 8.5" x 11" unless otherwise noted.

- P1. Preliminary Site Plan in West Tisbury, Mass. prepared for the Town of West Tisbury by Vineyard Land Surveying & Engineering, consisting of one (1) 36" x 24" page, scale 1" = 30', dated July 27, 2021.
- P2. Application Package for the Island Autism Center at Child Farm, Master Plan, prepared by Union Studio, consisting of thirty-five (35) 18" x 12" pages, dated February 10, 2022 unless otherwise noted, including: Vegetation Patterns plan; Existing Conditions Analysis; Existing Conditions Photographs; GIS Aerial Context Images; Site Survey Working Plan in West Tisbury, Mass. prepared for the Martha's Vineyard Land Bank Commission by Vineyard Land Surveying & Engineering, scale 1" = 50', dated August 11, 2020; Context Site Plan - Existing Conditions with

Proposed Site Plan Overlay; Proposed Site Plan, scale 1" = 80'-0"; Proposed Site Plan, scale 1" = 40'-0"; Proposed Site Plan - Farming/Programming, scale 1" = 80'-0"; Proposed Site Plan - Considerations to Accommodate Noise and Traffic for Neighbors, scale 1" = 40'-0"; Overall Proposed Site Plan - Phasing, scale 1" = 40'-0"; Example Images of Barn & Farmstand; Farmhouse - Front Elevation, scale $\frac{3}{16}$ " = 1'-0"; Farmhouse - Side + Rear Elevations, scale $\frac{3}{32}$ " = 1'-0"; Farmhouse - First Floor Plan, scale $\frac{1}{8}$ " = 1'-0"; Farmhouse - Second Floor Elevation, scale $\frac{1}{8}$ " = 1'-0"; Shared 4-Bedroom - Front Elevation, scale $\frac{3}{16}$ " = 1'-0"; Shared 4-Bedroom - Side + Rear Elevations, scale $\frac{3}{32}$ " = 1'-0"; Shared 4-Bedroom - First Floor Plan, scale $\frac{1}{8}$ " = 1'-0"; Shared 4-Bedroom - Second Floor Plan, scale $\frac{1}{8}$ " = 1'-0"; Cottage - Front Elevation, scale $\frac{1}{4}$ " = 1'-0"; Cottage - Elevations, scale $\frac{1}{8}$ " = 1'-0"; Cottage - Floor Plans, scale $\frac{1}{8}$ " = 1'-0"; Aerial Rendering; Courtyard Rendering; Proposed Site Plan - Lighting, scale 1" = 40'-0"; Landscape Screening Plan; Proposed Site Plan - NFPA Fire Access, scale 1" = 40'-0"; Proposed Site Plan - Building Locations, scale 1" = 40'-0"; and Proposed Site Plan - Sitework (Overlaid on Original Site Plan), scale 1" = 40'-0".

- P3. Preliminary Barn Plans prepared for Kate DeVane by The Barn Yard, consisting of four (4) 8.5" x 14" pages dated April 19, 2022, including: Floor Plan; Elevations; and Renderings.
- P4. Updated Proposed Site Plan - Farming/Programming prepared for Island Autism Center at Child Farm by Union Studio, consisting of one (1) 18" x 12" page, scale 1" = 80'-0", dated April 25, 2022.
- P5. Updated Proposed Site Plan - Considerations to Accommodate Noise and Traffic for Neighbors prepared for Island Autism Center at Child Farm by Union Studio, consisting of one (1) 18" x 12" page, scale 1" = 40'-0", dated April 25, 2022.
- P6. Updated Example Images of Barn & Farmstand prepared for Island Autism Center at Child Farm by Union Studio, consisting of one (1) 18" x 12" page, dated April 25, 2022.
- P7. Wastewater & Drainage Plan prepared for 515 Lambert's Cove Road Island Autism Center at Child Farm West Tisbury, Massachusetts & Union Studio by Horsley Witten Group, Inc., consisting of one (1) 36" x 24" page, scale 1" = 30 feet, dated April 25, 2022 and updated on June 9, 2022.
- P8. Plans for a 22' x 64' Lenox Carriage Barn for Kate DeVane prepared by The Barn Yard Manufacturing & Design, consisting of nine (9) 17" x 11" pages dated June 2, 2022, including: Cover Sheet; TF-1 Elevations, scale $\frac{1}{8}$ " = 1'-0"; TF-2 Elevations, scale $\frac{1}{8}$ " = 1'-0"; TF-3 Foundation Plan and Section Detail, varying scales; TF-4 Post & Sill Plan, scale $\frac{1}{8}$ " = 1'-0"; TF-5 Framing Plan, scale $\frac{3}{32}$ " = 1'-0"; TF-6 Framing Sections, scale $\frac{3}{32}$ " = 1'-0"; TF-7 Framing Sections, scale $\frac{3}{32}$ " = 1'-0"; and TF-8 Notes & Details, scale $\frac{3}{4}$ " = 1'-0".
- P9. Updated Proposed Site Plan to show revised fencing and screening prepared for Island Autism Center at Child Farm by Union Studio, consisting of one (1) 18" x 12" page, scale 1" = 80'-0", dated June 23, 2022.

2.4 Other Exhibits

- E1. Referral to the Martha's Vineyard Commission from the West Tisbury Planning Board, including cover letter, consisting of three (3) pages, received December 22, 2021.
- E2. Application Package for Island Autism Center at Child Farm, Master Plan, prepared by Union Studio, consisting of thirty-eight (38) pages, including: Cover Page; Table of Contents; Completed DRI Application; Application Narrative; Planning Board Referral Letter; Abutters List; Agricultural Protection Restriction, View Easement, and Architectural Restriction (Book 1551, Page 406); Quitclaim Deed (Book 1551, Page 430); Trail Easement Agreement; Affordable Housing Restriction (Book 1589, Page 870); MVLB Approval Letter for Barn Siting; Exterior Lighting Cutsheets.
- E3. Letter from the Martha's Vineyard Land Bank Commission to the West Tisbury Planning Board with clarifications regarding the property's Agricultural Protection Restriction and the location of the driveway, consisting of one (1) page, dated February 15, 2022.
- E4. Emails between Derrill Bazzy and Alex Elvin, with answers to staff questions, consisting of two (2) pages, with Plan.1 attached, dated March 31, 2022.
- E5. Application to the West Tisbury Zoning Board of Appeals for a Special Permit for property setback reduction from 50' to 4' for an agricultural barn, consisting of fourteen (14) pages of varying sizes, dated April 4, 2022.
- E6. DRI 719 Island Autism Group Master Plan Staff Report, consisting of four (4) pages, dated April 21, 2022.
- E7. Emails between Kate DeVane, Derrill Bazzy, and Alex Elvin, with clarifications and answers to staff questions, consisting of six (6) pages, dated April 22, 2022.
- E8. DRI 719 Island Autism Group Master Plan Staff Presentation to the Land Use Planning Committee, consisting of forty-four (44) pages, dated April 25, 2022; and updated to consist of fifty-eight (58) pages, dated July 5, 2022.
- E9. Applicant's Presentation to the Land Use Planning Committee, consisting of eighteen (18) pages, dated April 25, 2022.
- E10. MVC document for public hearing - LUPC Questions answered by Kate DeVane, consisting of one (1) page, received June 8, 2022.
- E11. DRI 719 Island Autism Group Master Plan Staff Traffic Report, consisting of one (1) page, dated June 9, 2022; updated on June 23, 2022; and updated again to consist of three (3) pages on July 18, 2022.

- E12. DRI 719 Island Autism Group Master Plan Staff Presentation to the full Commission, consisting of fifty-three (53) pages, dated June 9, 2022; and updated to consist of sixty (60) pages on July 21, 2022.
- E13. Applicant's Presentation to the full Commission, consisting of forty-one (41) pages, dated June 9, 2022.
- E14. Decision of the West Tisbury Zoning Board of Appeals to allow construction of a 60' x 30' non-habitable barn for agricultural use requiring 46' of north side yard setback relief, consisting of two (2) pages, dated June 9, 2022.
- E15. Letter from the West Tisbury Planning Board to Alex Elvin requesting a traffic study as an additional requirement, consisting of one (1) page, dated June 14, 2022.
- E16. Letter from Habitat for Humanity to the Martha's Vineyard Commission regarding the repurposing of materials in the existing home, consisting of one (1) page, dated June 15, 2022.
- E17. Emails between Derrill Bazzy and Alex Elvin regarding the Barn plans and revised offers, consisting of two (2) pages, dated June 15, 2022.
- E18. Applicant's Response to Matt Merry's comments made at the public hearing, consisting of two (2) pages, dated June 15, 2022.
- E19. Letter from Kate DeVane on agreement between IAG/Weiss/Leahy lot line privacy fencing and plantings, consisting of one (1) page, dated June 16, 2022.
- E20. Island Autism Farm Concept explanation, consisting of one (1) page, received June 23, 2022.
- E21. Email from Jane Rossi, West Tisbury Planning Board Administrator, to Adam Turner regarding the Planning Board's request for a traffic study, consisting of one (1) page, dated July 6, 2022.
- E22. Letter from the Applicant regarding traffic expectations at Island Autism Center, consisting of two (2) pages, received July 6, 2022.
- E23. Applicant's Final Offers, consisting of two (2) pages, received July 6, 2022.
- E24. Applicant's submittal of letters of support from the following: Martha's Vineyard Public Schools; Bob and Ty Johnston, abutters; the Martha's Vineyard Land Bank Commission; Hal Child, previous owner of the property; the Tisbury Community Preservation Committee; Beth Kramer, former Director of the West Tisbury Free Public Library; Janet Sylvia, West Tisbury resident; Eileen Maley, West Tisbury resident; the Aquinnah Housing Committee; the Edgartown Affordable Housing Committee; the Island Disability Coalition; and the Vineyard Independence Partnership, dates from 2020-2022.
- E25. Letters of support from the Martha's Vineyard Land Bank Commission, June 7, 2022 and Russell Maloney, June 8, 2022.

- E26. Letter with concerns from Cathy Weiss, abutter, consisting of one (1) page, dated June 5, 2022.
- E27. Emails between Cathy Weiss and John Katalekas, abutters, and Alex Elvin, with comments and concerns about the project, consisting of two (2) pages, dated June 19, 2022.
- E28. Emails between Cathy Weiss and John Katalekas, abutters, and Alex Elvin, with comments and concerns about the project, consisting of two (2) pages, dated June 22, 2022.
- E29. Letter from Matt Merry, abutter, with concerns about the project, consisting of two (2) pages, dated June 23, 2022.
- E30. Minutes of the Commission’s Land Use Planning Committee Pre-Public Hearing Review, April 25, 2022.
- E31. Minutes of the Commission’s Public Hearing, June 9, 2022.
- E32. Minutes of the Commission’s Land Use Planning Committee Post-Public Hearing Review, July 5, 2022.
- E33. Minutes of the Commission’s Vote to Re-Open the Written Record, July 7, 2022.
- E34. Minutes of the Commission’s Deliberation and Decision, July 21, 2022.
- E35. Minutes of the Commission’s Written Decision, August 11, 2022.

2.5 Summary of Testimony

The following gave testimony during the public hearing on June 9, 2022:

- Staff presentation by Alex Elvin, DRI Coordinator.
- Presentation of the project by Kate DeVane, Executive Director of Island Autism Group, Inc.; Doug Kallfelz, Architect; Kris Horiuchi, Landscape Architect; and Derrill Bazy, Consultant.
- Oral testimony from Public Officials speaking for their Boards: none.
- Oral testimony from the Public:
 - Cathy Weiss, abutter, voiced several concerns;
 - Matt Merry, abutter, voiced several concerns;
 - Bob Johnston, Director of Vineyard Future Works, spoke in favor; and
 - Richard Toole, member of the Vineyard Independence Partnership, spoke in favor.

3. FINDINGS

3.1 Project History

The property is the site of the former Child Farm, which Island Autism Group purchased in 2020, after which the property was subdivided with 10 acres going to the Land Bank and 7.5 acres to the Island Autism Group. The 7.5 acres includes a conservation restriction that allows for a three-acre building envelope. Both lots also maintain an existing agricultural restriction.

3.2 Project Description

The proposal is to establish a residential campus for the nonprofit Island Autism Group. The campus master plan consists of three phases:

Phase 1

- Farmhouse building (Hub House): Offices, kitchen, bathrooms, programming/community space, an apartment for the farm manager / program director, and two guest bedrooms. Will be used largely for after-school and summer daytime programming for school-age children and job training for young adults. 4,807 ft² of heated space.
- Barn: Located north of the main campus building envelope. 3,350 ft² of unheated space.
- Farmstand: 144 ft² of unheated space in the lower field.
- Driveway, parking, landscaping.

Phase 2

- Two four-bedroom houses: For residents with more intense needs who require 24-hour care; floorplans also show unfished loft space. 4,867 ft² of heated space per house.

Phase 3

- Three two-bedroom cottages: For people with less severe needs who can live together in proximity to the 24-hour care units. 1,543 ft² of heated space per cottage.

The three parts of the campus would be connected by walkways and landscaping throughout. An existing three-bedroom house built around 1965, along with two sheds on the property, would be removed.

3.3 Statutory Authority

The purpose of the Commission, as set forth in Section 1 of the Act, is to “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 which contribute to public enjoyment, inspiration, and scientific study by protecting these values from development and uses which would impair them, and by promoting the enhancement of sound local economies.”

The Commission has reviewed the proposal as a Development of Regional Impact, using the procedures and criteria that the Commission normally uses in evaluation the benefits and detriments of such a proposal. The Commission has considered the Application and the information presented at the public hearing, including listening to all testimony presented and reviewing all documents submitted during the hearing and review period.

3.4 Benefits and Detriments

Based on the record and testimony presented therein, the Commission finds the following pursuant to Sections 14 and 15 of the Act.

A. THE COMMISSION FINDS THAT THE PROBABLE BENEFITS OF THE PROPOSED DEVELOPMENT WOULD EXCEED THE PROBABLE DETRIMENTS, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14 and 15 OF THE ACT.

A1. The Commission finds that the proposed development at this location is appropriate and essential in view of the available alternatives (Section 15(a) of the Act.)

The Commission finds that the probable benefits of the project outweigh the probable detriments, as described below and having regard to the offers and conditions. With respect to impacts upon the environment (Section 15(b) of the Act), impacts upon persons and property (Section 15(c) of the Act), and impacts on the supply of needed low- and moderate-income housing for Island residents (Section 15(d) of the Act), the Commission finds the project would have a beneficial impact. The Commission finds the project would have a neutral impact on the provision of municipal services or burden on taxpayers (Section 15(e) of the Act), and would not unduly burden existing public facilities. The Commission notes that the project will provide much needed services to the Island community.

A2. The Commission finds that the proposed development would have a beneficial impact upon the environment relative to other alternatives (Section 15(b) of the Act).

With respect to Open Space and Agriculture (considered a primary factor in the decision), the Commission finds the project would have a beneficial impact by continuing or restoring the property's agricultural use, in line with the existing agricultural restriction, and by creating public pathways that connect to the abutting Land Bank property.

With respect to Energy, the Commission finds the project will have a neutral impact by mitigating its energy use with energy efficient building design and solar panels.

The Commission also notes the following with respect to environmental impacts:

Open space and agriculture

- The property is the site of the former Child Farm, and has an agricultural preservation restriction, including the front meadow which will be used as open space and vegetable gardens.
- The 7.5 acres owned by IAG includes a conservation restriction that allows for a three-acre building envelope.
- Most of the property is designated as prime farmland or farmland of statewide importance with well-drained soils.
- As proposed, the campus will be a working farm.
- Most of the property will remain as open space or agriculture, with some forest clearing within the three-acre building envelope.
- Outdoor spaces between the buildings, including a courtyard between the two four-bedroom houses, will be used as common activity space.
- The campus will incorporate a Land Bank walking trail along the west and north property lines, and additional walking paths between the campus and vegetable gardens to the east.

- The proposed barn will stand four feet from the Land Bank property and has been granted a zoning variance for the setback. The Land Bank has also endorsed that location.

Water quality

- The property is within the coastal watershed, and the number of bedrooms will increase from three to 17.
- As proposed, an existing five-bedroom Title 5 system will be refurbished and used for the Hub House in phase 1, and once the residential buildings are completed in phases 2 and 3, a new 14-bedroom KleanTu nitrogen reducing septic system will be installed to serve phases 2 and 3.
- The Applicant plans to work with IGI on a compost management plan.

Stormwater

- The parking area and main driveway will consist of permeable sand hardener (sand, clay, and possibly gravel), and would connect to the western portion of the building envelope via a dirt driveway. A walkway consisting of permeable stone pavers will run east-west through the campus. The proposed building footprints, including porches, would total about 16,700 ft².
- A drainage plan shows gutters and drywells, raingardens, and bioretention areas. The Applicant has also stated that the site slopes will allow for surface drainage in all permeable areas.

Energy

- The Applicant has stated that the buildings will exceed the state building code in terms of energy efficiency, and will be all-electric.
- At least one of the four-bedroom houses, and possibly the barn, will have rooftop solar panels or be solar-ready (total 3,200 ft² of available roof area).
- An electric van will likely be purchased for transporting children in the day programs.

Material use

- An existing three-bedroom house built around 1965, along with two sheds, will be removed.
- Habitat for Humanity of Martha's Vineyard has stated: "We will be able to repurpose the Rennai Heater, some exterior hardscape, and perhaps a built-in China cabinet. There was no other material which we could use."

A3. The Commission finds that the proposed development would have a beneficial effect upon other persons and property (Section 15(c) of the Act).

With respect to Social Development (considered a primary factor in the decision), the Commission finds the project would have a significant benefit by providing much needed services to the Island community.

With respect to Traffic and Transportation and Impact on Abutters (considered primary factors in the decision), the Commission finds the project would create a minor detriment, accounting for the Applicant's efforts to work with abutters to mitigate the potential impacts.

With respect to Economic Development, the Commission finds the project would have a beneficial impact by creating jobs and providing job training for Island residents.

The Commission also notes the following with respect to impacts on persons and property:

Social Development

- As proposed, the campus will be a working farm as well affordable group housing for people with autism, and will provide after-school and summertime programming coordinated with the Island school system, and jobs and job training.
- The Applicant has worked with the town of West Tisbury to educate public safety workers about how to approach and assist people with autism.
- Community members will be encouraged to use the trails and participate in events on campus.

Traffic and Transportation

- Access will be via an existing driveway that will be extended and connect to a parking area for 12 vehicles near the Hub House. (West Tisbury bylaw requires two spaces per dwelling unit.)
- The vehicle access is designed to accommodate emergency vehicles per National Fire Protection Association (NFPA) standards, and delivery vehicles.
- The Applicant does not anticipate a large amount of traffic, since adults with autism do not drive, and children will be delivered by the IAG van service.
- Staff estimates that the proposed facility will generate about 17 daily trips, which would not have a significant impact on the surrounding roadways.
- The sight distances in both directions far exceed the minimum requirements.
- A VTA bus stop is located about half a mile away on State Road.
- The project will provide 12 parking spaces, which complies with the West Tisbury zoning bylaw requirement of two spaces per dwelling unit.
- This portion of Lambert's Cove Road does not have a crash history that reaches the District or Statewide averages for concern.
- The required sight distance for a 30mph road is 200 feet. The sight distances in both directions far exceed the minimum requirement.

Clarified/confirmed by staff:

Trip generation:

- Trips to and from the site will consist of employees, visiting nurses/medical care, food deliveries, cleaning crews, maintenance vehicles, and a shuttle that buses in children.
- The Applicant anticipates that 4 workers will arrive, and 4 workers will depart, during the AM shift; same for PM shift.

After-school program and summer camp:

- School groups will not use the site in the morning, even in the summer, due to extended school year programming, which ends at 1PM in the summer.

- The tolerance of scheduled programming is considered to be about 2-3 hours, and summer programming will run 1:30-4:30PM Monday-Friday. Hours will shift slightly during school year, starting at 2:40PM and ending closer to 5PM.
- If the parking lot is ever full, parents may opt to pick their children up on site, but children will otherwise arrive by van.
- Program activities will vary day to day, so not every day would involve activities onsite.
- No weekend programming is proposed for after-school group or summer camp.
- The Applicant has offered that summer camp participants will be picked up and dropped off daily at an off-site location and transported to the camp in vans.

Adult job training and programming:

- Adult residents will also arrive and depart in vans.
- Staff will turn over once a day, but will mostly arrive in the morning before the school groups.
- The farm manager will live on site.

Farmstand:

- Concerns regarding farmstand traffic should be minimal, since the farm is focused on training rather than production.
- There are three planned parking spaces for the farm stand.
- Should yields be substantial, the Applicant intends to distribute them via the farmers market, other farm stands, and possibly Cronig's.
- The Applicant has offered to put a sign at the end of the drive that suggests people go right as they enter onto Lamberts Cove Road (toward the business district).

Construction:

- The Applicant's project manager has pointed out that the site is large enough that supplies like lumber and shingles could be brought to the site in fewer (larger) deliveries and stored onsite until needed.

Impact on Abutters

- Abutter concerns have focused largely on potential noise associated with the day programming, traffic associated with staff members traveling to and from the site, the need for fencing and vegetative screening along the southern property line, the length of the construction period, the location of the proposed parking spaces, and possible impacts on well water on neighboring properties.
- The project will allow day programming throughout the year, including afterschool programming, job training, social events, and other activities for both residents and non-residents.
- The setback distance to the south has been increased to 80 ft (compared to the 50 ft required under town zoning) in response to abutter concerns.

- The distance between the proposed buildings and two existing residences to the south is about 242 ft and 205 ft, respectively, with fencing and a vegetated buffer in between.
- A preliminary landscape screening plan with proposed species and heights has been provided.
- The Applicant has stated that the buildings and outdoor common areas are oriented as far from abutters as possible, with interior activity spaces focused toward the center of the property to further reduce noise.
- The campus in general is designed with subtle enclosure areas, including fences and landscaping, to encourage residents to remain on the property, and to encourage visitors to stay on the paths or in public areas.
- The Applicant has stated that the proposed sand hardener driveway will create less noise than a gravel or pea stone driveway.
- The Applicant has committed to undertaking phases 1 and 2 as close together as possible if not simultaneously depending on funding. The Applicant has also stated that the property is large enough for staging and storage of materials not to be an issue and that the new barn can be used for staging as well.
- *See Traffic and Transportation.*

Character and Identity

- The proposed buildings are designed in a rural style, with wood siding and gable roofs.
- The height of the proposed buildings will be 31' (farmhouse), 25' (four-bedrooms houses), 23'5" (cottages), and 25' (barn).

Economic Development

- The project is expected to create about 20 jobs, including the farm manager / program director, 24-hour rotating staff for each of the four-bedroom houses, and other staff as needed.

Lighting and Landscape

- A preliminary lighting plan shows downward-facing LED wall-mounted fixtures at 22 locations, and low-level solar path lighting at 22 locations. (Spec sheets have been provided.)
- The Applicant has stated that overhead lighting is not required, since there will be no regular evening activities.
- A preliminary landscape screening plan including native species and proposed heights has been provided. Some of the existing forest of beech and oak within the building envelope and along the south and west property lines will be retained.

A4. In regard to the supply of needed low- and moderate-income housing for Island residents (Section 15(d) of the Act; considered a primary factor in the decision), the Commission finds the project would have a beneficial impact.

The Commission notes the following:

- The project will create 17 bedrooms, including free housing for a full-time farm manager / program director and two guest rooms, and will be the Island's first group-living facility for people with autism.
- The property includes an affordable housing restriction so that at least 70% of the units must be affordable to households earning 80% or less of the area median income. The Applicant notes that the average person with autism earns only about 30% AMI.
- The four-bedroom houses are for people with more intense needs, who would be earning less than 30% AMI.
- The Applicant cannot legally restrict units to Islanders, but there will be an Applicant and point system weighted toward Islanders.
- The 20 rotating staff would live offsite.

A5. The Commission finds that the proposed development would have a neutral impact on the provision of municipal services or burden on taxpayers in the making provision therefore (Section 15(e) of the Act).

The project will likely have a minimal impact on municipal services and taxpayers.

A6. The Commission finds that the proposed development would use efficiently and would not unduly burden existing public facilities (other than municipal) or those that are to be developed within the succeeding five years (Section 15 (f) of the Act).

The project will likely have a minimal impact on municipal services and taxpayers.

A7. The Commission find that the project as proposed generally does not interfere with the ability of the municipality to achieve the objectives set forth in the municipal general plan, and would not contravene land development objectives and policies developed by regional or state agencies (Sections 14(b), 15(g), and 15(h) of the Act), respectively.

The project generally aligns with the Island Plan, including sections 2 (Development and Growth), 3 (Natural Environment), 4 (Built Environment), 5 (Social Environment), and 8 (Housing).

A8. The Commission finds that the proposed development as conditioned is consistent with municipal ordinances and by-laws (Section 14(c) of the Act).

The proposed barn will stand four feet from the Land Bank property and has been granted a Special Permit from the Zoning Board of Appeals for the setback. The Land Bank has also endorsed that location.

B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WOULD BE CONSISTENT WITH THE LAND DEVELOPMENT OBJECTIVES OF THE COMMISSION, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(b) OF THE ACT.

The requested project in general advances the Commission's land development objectives, as outlined in Section A7 of this Decision.

C. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH MUNICIPAL DEVELOPMENT ORDINANCES AND BY-LAWS, TO THE BEST OF THE COMMISSION'S KNOWLEDGE.

The project is consistent with local zoning.

D. THE COMMISSION FINDS THAT THE SITE IS IN CONFORMANCE WITH THE REGULATIONS OF DISTRICTS OF CRITICAL PLANNING CONCERN, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(d) OF THE ACT.

The project site is partly within the Island Roads District (Major Roads Zone), and is consistent with those regulations.

In sum, after careful review of the plan and its attendant submittals and the testimony presented by the Applicant and others, and the addition of conditions and offers, the Commission has concluded that the probable benefits of this proposed development in this location exceed its probable detriments in light of the considerations set forth in section 15 of the Act.

4. DECISION

The Martha's Vineyard Commission deliberated about the application at a duly noted meeting of the Commission held on July 21, 2022 and made its decision at the same meeting.

The following Commissioners, all of whom participated in the hearing and deliberations, participated in the decision on July 21, 2022:

Voting to approve the project: Jeff Agnoli, Trip Barnes, Jay Grossman, Fred Hancock, Michael Kim, Joan Malkin, Greg Martino, Kathy Newman, Ben Robinson, Doug Sederholm, Brian Smith, Ernie Thomas, and Christine Todd.

Voting against: None.

Recused: Jim Vercruysse.

Ineligible to participate: Christina Brown, Kate Putnam, Linda Sibley.

Based on this vote, the Commission approved the application for the project as a Development of Regional Impact with conditions.

This Written Decision is consistent with the vote of the Commission on July 21, 2022, and was approved by a vote of the Commission on August 11, 2022.

5. CONDITIONS

After reviewing the proposal for this Development of Regional Impact, the Commission imposes the following conditions in order to minimize the potential detriments and maximize the potential benefits.

As offered by the Applicant:

1. The Applicant will create public pathways that connect the abutting Land Bank property to Lambert's Cove Road. The path will run down the north side of the property and through a portion of the meadow toward the Farm Stand and then to the driveway at the end of the road.
2. The Applicant shall maintain a minimum 80-foot setback from the southern property line for all buildings.
3. The Applicant shall install a KleanTu denitrifying septic system for the residential buildings.
4. The residential component of the Island Autism Group programming will include an Islander preference.
5. As indicated on the revised fencing and screening plan dated June 23, 2022, the Applicant shall install a 400-foot, six-foot-high stockade fence between Island Autism Group and the Weiss property to the south. The fence will convert to wire fencing (also six feet high) for an additional 400 feet between Island Autism Group and the Leahy property to the south, terminating at the corner lot bound.
6. The 400 feet of stockade fence will be in lieu of plantings that were proposed earlier. The wire fencing will be planted with buffer plantings, as discussed by the Applicant and the Leahys. The buffer plantings will be watered in the first year and as necessary thereafter by the Applicant, and will be replaced if they die or do not flourish. Additional plantings will be added as needed and by mutual agreement after the fencing has been installed and as the buildings are constructed.
7. The Applicant shall install a sign at the end of the driveway to encourage all drivers leaving the property to turn right, rather than left, onto Lambert's Cove Road.
8. The proposed vans shall be parked in the main parking lot, and the Applicant shall use the area indicated on the site plan as van pull-off space for staff parking.
9. The Applicant shall abide by all West Tisbury rules and regulations regarding construction, and shall endeavor to have building supplies delivered in bulk and stored on-site so as to minimize the coming and going of larger trucks. The Applicant shall also endeavor to ensure that the majority of outside work occurs Monday through Friday. Whenever possible, the Applicant shall notify its neighbors in advance of any outside weekend work.

Additional conditions:

1. The Applicant shall submit a plan for rooftop solar panels, including capacity and locations, as well as a plan for at least one electric vehicle charging station onsite, to the LUPC for review and approval prior to receipt of a Building Permit.
2. The barn on the northern edge of the property shall be constructed according to the plans from The Barn Yard dated June 2, 2022.
3. A final landscape plan for the property shall be submitted to the LUPC for review and approval prior to receipt of a Certificate of Occupancy.

- Only slow-release, water-insoluble nitrogen-source fertilizers may be used in the maintenance of landscaping.
 - Landscape must use only native or low-maintenance, drought-tolerant species that are non-invasive to minimize the application of nitrogen, pesticides, and water.
4. A final exterior lighting plan for the property shall be submitted to the LUPC for review and approval prior to receipt of a Certificate of Occupancy.
 - All exterior lighting shall be downward-shielded and comply with International Dark Sky Association standards.
 - The color temperature of exterior lighting shall not exceed 3,000 Kelvin.
 5. If either phase 1 or 2 of the project has not substantially begun in two years from the date of the written decision, the Applicant shall return to the MVC for an extension.
 6. Any proposed modifications to DRI 719, as approved herein, including any modification resulting in any change of use or change in intensity of use, shall be referred to the MVC for prior review and approval.

6. CONCLUSION

6.1 Permitting from the Town

The Applicants must, consistent with this Decision, apply to the appropriate Town of West Tisbury Officers and Boards for any local development permits which may be required by law.

The permit-granting authorities of the Town of West Tisbury may now grant the request for approval of the Applicant's proposal in accordance with this decision and may place further conditions thereon in accordance with applicable law or may deny the request for approval. Any permit issued by the Town shall incorporate the plan approved by the Commission.

6.2 Notice of Appellate Rights

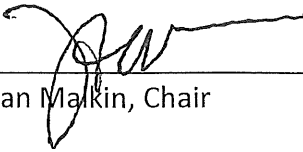
Any party aggrieved by a determination of the Commission may appeal to Superior Court within twenty (20) days after the Commission has sent the development Applicant written notice, by certified mail, of its Decision and has filed a copy of its Decision with the West Tisbury Town Clerk.

6.3 Length of Validity of Decision

The Applicant shall have two (2) years from the date of receipt of the Decision of the Martha's Vineyard Commission contained in this document to begin substantial construction.

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6.4 Signature Block



Joan Malkin, Chair

16 Aug 2022

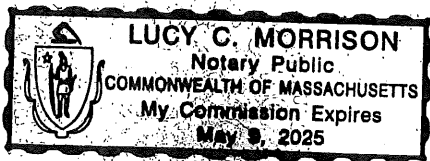
Date

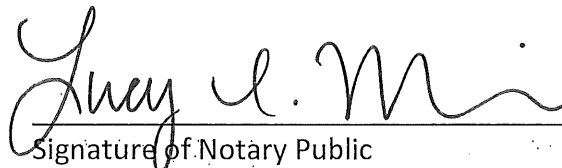
6.5 Notarization of Decision

Commonwealth of Massachusetts

County of Dukes County, Mass.

On this 16th day of August, 2022, before me, Lucy C. Morrison, the undersigned Notary Public, personally appeared Joan Malkin, proved to me through satisfactory evidence of identity, which was personal knowledge to be the person whose name was signed on the preceding or attached document in my presence, and acknowledged to me that she signed it voluntarily for its stated purpose as a free act and deed, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief.





Signature of Notary Public

Lucy C. Morrison

Printed Name of Notary

My Commission Expires May 9, 2025

My Commission Expires May 9, 2025

6.6 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: _____

Deed: Book _____, Page _____

Document Number: _____