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## Decision of the Martha's Vineyard Commission DRI 720 MV Hospital/Navigator Homes

### 1. SUMMARY

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**Referring Board:** Town of Edgartown Planning Board

**Subject:** Development of Regional Impact #720 MV Hospital/Navigator Homes

**Project:** Construction of a skilled nursing facility with 66 beds and workforce housing with 76 beds.

**Owner:** Martha's Vineyard Hospital, Inc.

**Applicant:** Martha's Vineyard Hospital, Inc.; Navigator Homes of Martha's Vineyard, Inc.; Geoghan Coogan (Agent)

**Applicant Address:** Geoghan Coogan  
P.O. Box 1639  
Vineyard Haven, MA 02568

**Project Location:** 490 Edgartown-Vineyard Haven Road, Edgartown. Map 11B, Lot 243 (26.4 acres).

**Deed:** Recorded Land: Book 1587, Page 807

**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 November 17, 2022.

**Written Decision:** This written decision was approved by a vote of the Commission on December 15, 2022.

The permit-granting authorities of the Town of Edgartown 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**

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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 January 28, 2022, by the Planning Board of the Town of Edgartown, MA 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 Items: 3.1b *Commercial Development of more than 3,500 square feet*; 3.1d *Combination of Commercial Development of more than 2,500 square feet*; 3.1e *Outdoor Commercial Space of more than 6,000 square feet*; 3.1f *Change of Use*; 3.1h *Parking for more than 10 vehicles*; and 6.1a *Private Facility with a floor area of more than 3,500 square feet*. Checklist Items 3.1b and 6.1a both require 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 July 21 and 28, 2022; notice was also published in the Vineyard Gazette on July 22 and 29, 2022. Abutters within 300 feet of the property were notified by mail on July 19, 2022.

Hearings: The Commission held a duly noticed public hearing on the Application that was conducted pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831 on August 4, 2022. The hearing was continued to September 1, 2022 and continued again to October 6, 2022, and finally to October 20, 2022. The hearing was closed that night with the exception of the written record, which was left open until November 3, 2022 at 5:00 p.m. and closed at that time. The hearings were held entirely using remote conference technology as allowable under Chapter 22 of the Acts of 2022.

### **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. Utilities Overview Plan prepared for Martha's Vineyard Hospital by Pesce Engineering & Associates, Inc. & Schofield, Barbini & Hoehn, Inc., consisting of one (1) 36" x 24" page, scale 1 inch = 40 ft., dated July 30, 2020.
- P2. Application Package for Green House & Workforce Housing Project 490 Edgartown-Vineyard Haven Road, prepared for Martha's Vineyard Hospital & Navigator Homes of Martha's Vineyard, Inc. by Pesce Engineering & Associates, Inc., consisting of seven (7) 36" x 24" pages dated September 22, 2021, including: 1-Cover; 2-Existing Conditions Plan prepared for the Martha's Vineyard Hospital by Schofield, Barbini & Hoehn Inc., scale 1" = 80'; 3-Layout &

Parking Plan (Full Size), scale 1 inch = 60 ft.; 4-Layout & Parking Plan, scale 1 inch = 40 ft.; 5-Grading & Drainage Plan, scale 1 inch = 40 ft.; 6-Utilities Plan, scale 1 inch = 40 ft.; 7-Emergency Access Plan, scale 1 inch = 40 ft.

- P3. 5-Conceptual Grading & Drainage Plan, prepared for Martha's Vineyard Hospital & Navigator Homes of Martha's Vineyard, Inc. by Pesce Engineering & Associates, Inc., consisting of one (1) 36" x 24" page, scale 1 inch = 40 ft., dated September 22, 2021.
- P4. Navigator Homes of Martha's Vineyard Green Houses Schematic Design Plans, prepared by LWDA Design, consisting of sixteen (16) 36" x 24" pages, dated September 22, 2021, including: 1-Green House - Typical Floor Plan; 2-Green House - Typical Roof Plan; 3-Green House Exterior Elevations, scale  $\frac{3}{16}$ " = 1'-0"; 4-Green House Exterior Elevations, scale  $\frac{3}{16}$ " = 1'-0"; 5-Green House Schematic Rendering - Street Side; 6-Green House Schematic Rendering - Garden Side; 7-Martha's Vineyard Hospital WFH Building A - Townhouse Style - Floor Plans, scale  $\frac{1}{8}$ " = 1'-0"; 8-WFA Building A - Townhouse Style - Exterior Elevations, scale  $\frac{3}{16}$ " = 1'-0"; 9-WFH Building A - Townhouse Style - Schematic Views; 10-WFH Building B&C - Apartment Style - Floor Plans, scale  $\frac{1}{4}$ " = 1'-0"; 11-WFH Building B&C - Apartment Style - Roof Plan & Front Elevation, scale  $\frac{3}{16}$ " = 1'-0"; 12-WFH Building B&C - Apartment Style - Exterior Elevations, scale  $\frac{3}{16}$ " = 1'-0"; 13-WFH Building B&C - Apartment Style - Schematic Views; 14-WFH Duplex Style Housing - Floor Plans, scale  $\frac{1}{4}$ " = 1'-0"; 15-WFH Duplex Style Housing - Elevations - Roof A, scale  $\frac{3}{16}$ " = 1'-0"; and 16-WFH Duplex Style Housing - Elevations - Roof B, scale  $\frac{3}{16}$ " = 1'-0".
- P5. Revised Floor Plans prepared for Navigator Homes of Martha's Vineyard, Inc. by LWDA Design, consisting of three (3) 36" x 24" pages dated April 8, 2022, including: Green House - Typical Floor Plan (13 Beds); Green House - Typical Floor Plan (14 Beds); and Green House Typical Floor Plan 14 Bedroom Skilled Nursing.
- P6. Application Package for Green House & Workforce Housing Project 490 Edgartown-Vineyard Haven Road, prepared for Martha's Vineyard Hospital & Navigator Homes of Martha's Vineyard, Inc. by Pesce Engineering & Associates, Inc., consisting of ten (10) 36" x 24" pages dated September 22, 2021 and revised April 29, 2022, including: 1-Cover; 2-Existing Conditions Plan, scale 1 inch = 60 ft.; 3-Overall Lotting Plan, scale 1 inch = 60 ft.; 4-Layout & Parking Plan, scale 1 inch = 40 ft.; 5-Conceptual Grading & Drainage Plan, scale 1 inch = 40 ft.; 6-Utilities Plan, scale 1 inch = 40 ft.; 7-Emergency Access Plan, scale 1 inch = 40 ft.; 8-Detail Sheet; 9-Detail Sheet; and 10-Detail Sheet.
- P7. 4-Layout & Parking Plan prepared for Martha's Vineyard Hospital & Navigator Homes of Martha's Vineyard, Inc. by Pesce Engineering & Associates, Inc., consisting of one (1) 36" x 24" page, scale 1 inch = 40 ft., dated September 22, 2021 and revised on April 29, 2022.
- P8. Preliminary Proposed Sewage Disposal System Plans prepared for Navigator Homes of MV, Inc. by Schofield, Barbini & Hoehn, Inc. consisting of three (3) 36" x 24" pages, scale 1" = 40', dated May 4, 2022, including: 1-to serve a sixty-six bedroom skilled nursing facility; 2- to serve forty proposed workforce housing units; and 3- to serve eight proposed duplex units.

- P9. 3-NHESP Exhibit Plan prepared for Martha's Vineyard Hospital & Navigator Homes of Martha's Vineyard, Inc. by Pesce Engineering & Associates, Inc., consisting of one (1) 36" x 24" page, scale 1 inch = 60 ft., dated May 24, 2022.
- P10. Revised Application Package for Green House & Workforce Housing Project 490 Edgartown-Vineyard Haven Road, prepared for Martha's Vineyard Hospital & Navigator Homes of Martha's Vineyard, Inc. by Pesce Engineering & Associates, Inc., consisting of seven (7) 36" x 24" pages dated September 22, 2021; revised April 29, 2022; and revised again on July 28, 2022, including: 1-Cover; 2-Existing Conditions Plan, scale 1 inch = 60 ft.; 3-Overall Lotting Plan, scale 1 inch = 60 ft.; 4-Layout & Parking Plan, scale 1 inch = 40 ft.; 5-Conceptual Grading & Drainage Plan, scale 1 inch = 40 ft.; 6-Utilities Plan, scale 1 inch = 40 ft.; and 7-Emergency Access Plan, scale 1 inch = 40 ft.
- P11. Landscape Plan for Green House Skilled Nursing & Workforce Housing Project, prepared for Martha's Vineyard Hospital & Navigator Homes of Martha's Vineyard, Inc. by Pesce Engineering & Associates, Inc. and Horiuchi Solien Landscape Architects, consisting of one (1) 36" x 24" page, scale 1 inch = 50 ft., dated August 3, 2022.
- P12. Revised Preliminary Proposed Sewage Disposal System Plans prepared for Navigator Homes of MV, Inc. by Schofield, Barbini & Hoehn, Inc. consisting of three (3) 36" x 24" pages, scale 1" = 40', dated August 25, 2022, including: 1-to serve a sixty-six bedroom skilled nursing facility; 2-to serve eight proposed duplex units; and 3-to serve forty proposed workforce housing units.
- P13. Revised Navigator Homes of Martha's Vineyard Green Houses Schematic Design Plans, prepared by LWDA Design, consisting of thirteen (13) 36" x 24" pages, dated September 1, 2022, including: 1-Green House Exterior Elevations, scale  $\frac{3}{16}" = 1'-0"$ ; 2-Green House Exterior Elevations, scale  $\frac{3}{16}" = 1'-0"$ ; 3-Green House Schematic Rendering - Street Side; 4-Green House Schematic Rendering - Garden Side; 5-Martha's Vineyard Hospital WFH Building A - Townhouse Style - Floor Plans, scale  $\frac{1}{8}" = 1'-0"$ ; 6-WFA Building A - Townhouse Style - Exterior Elevations, scale  $\frac{3}{16}" = 1'-0"$ ; 7-WFH Building A - Townhouse Style - Schematic Views; 8-WFH Building B&C - Apartment Style - Floor Plans, scale  $\frac{1}{4}" = 1'-0"$ ; 9-WFH Building B&C - Apartment Style - Roof Plan & Front Elevation, scale  $\frac{3}{16}" = 1'-0"$ ; 10-WFH Building B&C - Apartment Style - Exterior Elevations, scale  $\frac{3}{16}" = 1'-0"$ ; 11-WFH Building B&C - Apartment Style - Schematic Views; 12-WFH Duplex Style Housing - Floor Plans, scale  $\frac{1}{4}" = 1'-0"$ ; 13-WFH Duplex Style Housing - Elevations, scale  $\frac{3}{16}" = 1'-0"$ .
- P14. Preliminary Subdivision Plan in Edgartown, Mass. prepared for the Martha's Vineyard Hospital by Schofield, Barbini & Hoehn, consisting of one (1) 24" x 36" page, scale 1" = 30', dated October 3, 2022.
- P15. Entrance Sight Distance Plans for Green House Skilled Nursing & Workforce Housing Project, prepared for Martha's Vineyard Hospital & Navigator Homes of Martha's Vineyard, Inc. by Pesce Engineering & Associates, Inc., consisting of two (2) 36" x 24" pages, scale 1 inch = 40 ft.,

dated October 10, 2022, including: 1-Entrance Sight Distance Plan (Roadway) and 2-Entrance Sight Distance Plan (Multi-Use Path).

- P16. Roof-01 Revised Roof Diagram Showing Solar Location Plan prepared for Navigator Homes of Martha's Vineyard, Inc. by LWDA Design, consisting of one (1) 17" x 11" page, no scale, dated October 14, 2022.
- P17. Revised Landscape Plan for Green House Skilled Nursing & Workforce Housing Project, prepared for Martha's Vineyard Hospital & Navigator Homes of Martha's Vineyard, Inc. by Pesce Engineering & Associates, Inc. and Horiuchi Solien Landscape Architects, consisting of one (1) 36" x 24" page, scale 1 inch = 50 ft., dated October 14, 2022.

#### **2.4 Other Exhibits**

- E1. Referral to the Martha's Vineyard Commission from the Edgartown Planning Board, received January 28, 2022.
- E2. Tax Exempt status letter to Navigator Homes of Martha's Vineyard from the Internal Revenue Service, consisting of one (1) page, dated September 14, 2020.
- E3. Edgartown Zoning Bylaw Article XV - Senior Residential Developments, consisting of four (4) pages, adopted 2021.
- E4. Martha's Vineyard Hospital Green House & Workforce Housing Landscape Presentation prepared by Horiuchi Solien Landscape Architects, consisting of eight (8) 17" x 11" pages, dated September 17, 2021.
- E5. Special Permit Application to the Edgartown Planning Board, consisting of six (6) pages, dated September 28, 2021.
- E6. Letter of Agent Authorization provided to the Edgartown Planning Board from Edward Olivier, Martha's Vineyard Hospital, consisting of one (1) page, dated September 28, 2021.
- E7. Letter from the Edgartown Police Department to the Edgartown Planning Board, consisting of one (1) page, dated November 3, 2021.
- E8. Photos of the site provided by the Edgartown Planning Board, consisting of eighteen (18) pages, taken November 9, 2021.
- E9. Applicant's Presentation to the Edgartown Planning Board, consisting of thirty-eight (38) pages, dated December 14, 2021; and updated to consist of eighteen (18) pages on May 3, 2022.
- E10. Site context map with Open Space Guideline Data, consisting of one (1) page, dated February 15, 2022.
- E11. Presentation to the Edgartown Planning Board entitled questions and answers, consisting of ten (10) pages, dated March 1, 2022.

- E12. Letter from Edward Pesce, Pesce Engineering & Associates, Inc. to Geoghan Coogan, regarding response to Initial MVC Staff Questions for DRI 720, consisting of three (3) pages, dated March 15, 2022.
- E13. Letter from the Martha's Vineyard Transit Authority stating that the VTA will work with applicants to provide enhanced service, consisting of one (1) page, dated March 22, 2022.
- E14. Martha's Vineyard Hospital Inc. Navigator Homes Windemere Relocation and Workforce Housing Proposal Narrative, consisting of twelve (12) pages, received May 9, 2022.
- E15. Martha's Vineyard Hospital - Navigator Homes Nitrogen Analysis prepared by Schofield, Barbini & Hoehn Inc., consisting of two (2) pages, dated May 11, 2022; updated to consist of four (4) pages on September 1, 2022; and updated again to consist of five (5) pages on October 3, 2022.
- E16. Emails between Edward Pesce, Pesce Engineering & Associates, Inc., and Alex Elvin regarding wastewater, consisting of four (4) pages, dated June 7, 2022 to June 10, 2022.
- E17. Applicant Memo MVC DRI Number 720 Martha's Vineyard Hospital and Navigator Homes of Martha's Vineyard entitled Project Impact on the supply of needed low- and moderate-income housing (section 15d), consisting of six (6) pages, received June 7, 2022 and updated on July 12, 2022.
- E18. Staff Report for DRI 720 Martha's Vineyard Hospital - Navigator Homes, consisting of seven (7) pages, dated June 8, 2022; updated to consist of eight (8) pages on July 26, 2022; updated again on August 19, 2022; updated to consist of nine (9) pages on August 31, 2022; and updated again on October 22, 2022.
- E19. Memo from the Applicant with responses to MVC questions, consisting of seven (7) pages, dated June 22, 2022 and updated on July 12, 2022.
- E20. Illustration of Proposed Entrance to Site, an artistic representation of the future entrance for Navigator Homes of Martha's Vineyard and Martha's Vineyard Hospital, prepared by LWDA Design, consisting of one (1) page, received July 27, 2022; and revised on October 14, 2022.
- E21. Memo from Ed Olivier, Martha's Vineyard Hospital, regarding DRI 720 Martha's Vineyard Hospital - Navigator Homes project revisions and NHESP processes, consisting of three (3) pages, dated August 2, 2022.
- E22. Emails between Alex Cervone, Edgartown Planning Board, and Alex Elvin with attached memo from the Edgartown Planning Board with Main Points & Concerns, consisting of four (4) pages, dated August 3 and 4, 2022.
- E23. Staff Presentation to the Martha's Vineyard Commission, consisting of seventy-eight (78) pages, dated August 4, 2022; updated to consist of eighty-eight (88) pages on September 1, 2022; updated to consist of eighty-one (81) pages on October 6, 2022; and updated again to consist of eighty-seven (87) pages on October 20, 2022.

- E24. DRI 720 - Navigator Homes - Martha's Vineyard Hospital Memo from the applicant entitled Responses to MVC questions following 8/4/22 public hearing, consisting of eight (8) pages, dated August 31, 2022.
- E25. Applicant's Presentation for Navigator Homes Martha's Vineyard & Martha's Vineyard Hospital, consisting of six (6) pages, including: Illustration of Proposed Entrance to Site; Site Section A: Teaberry Lane Adjacency; Site Section B: Halls Gate Way Adjacency; Site Section C: Edgartown Road Adjacency; Green House - Typical Floor Plan; and Green House - Typical Roof Plan, dated September 1, 2022.
- E26. Emails between Alex Elvin, Chris Alley and John Smith, KleanTu, regarding nitrogen calculations and data, consisting of three (3) pages, dated between September 1, 2022 and September 27, 2022.
- E27. Memorandum from Edward Pesce and Chris Alley to Alex Elvin regarding Martha's Vineyard Hospital/Navigator Homes of Martha's Vineyard (DRI 720) Draft Nitrogen Mitigation Proposal, consisting of three (3) pages, dated October 3, 2022.
- E28. Responses to MVC questions, consisting of two (2) pages, received October 5, 2022.
- E29. Emails between Alex Elvin, Geoghan Coogan and Doug Sederholm, Public Hearing Officer, regarding follow up questions from 10/6/22 hearing, including exterior siding, consisting of three (3) pages, dated between October 12 and 13, 2022.
- E30. Memo from the Applicant for MVH/Navigator regarding Site Entrance, Medical Waste, Solar, and Siding, consisting of two (2) pages, dated October 14, 2022.
- E31. Memo entitled Windemere/Navigator Homes regarding wastewater and affordability, consisting of three (3) pages, dated November 2, 2022.
- E32. Memo entitled MVH/Navigator Offers, consisting of three (3) pages, received November 3, 2022.
- E33. Two letters of support from the following organizations: the Dukes County Commission, July 15, 2022; and Healthy Aging MV, April 12, 2022.
- E34. Six letters of support from the following individuals: Jennifer Abreu, October 6, 2022; Judy Cunniffie, April 5, 2022; Philip Dietterich, May 11, 2022; John Murray, October 6, 2022; Susan Silk, April 5, 2022; Mary Woodcock, April 5, 2022.
- E35. Five letters with concerns or questions from the following organizations and individuals: Edgartown Affordable Housing Committee, November 1, 2022; Vineyard Conservation Society, October 20, 2022; Gayle Dabal Potter, October 24, 2022; James Joyce, October 21, 2022; and Juleann VanBelle, November 3, 2022.

- E36. Five letters of opposition from the following individuals: Ben Hall, Jr., October 6, 2022; Rob and Emily Ianelli, August 4, 2022; Robert and Cathy Messersmith, December 29, 2020; Patricia Messersmith Turken, August 4, 2022; and Devon Pope, August 8, 2022.
- E37. Three letters of support sent to the Edgartown Planning Board from the following individuals and organizations: Healthy Aging of Martha's Vineyard, January 14, 2022; Polly Brown, January 12, 2022; and Reverend Cynthia Hubbard, January 12, 2022.
- E38. Ten letters of opposition sent to various Edgartown Town Departments (including Planning Board, Wastewater Commission and Selectboard), from the following individuals: Christina Bardwell and Mati Kiin, June 12, 2022; Robert Ianelli (5): December 6, 2021; December 10, 2021; January 10, 2022; May 18, 2022; and October 24, 2022; Linda Messersmith Armour, December 6, 2021; Patricia Messersmith Turken, December 7, 2021; Daniel and Paulette Sladkus, December 6, 2021.
- E39. Minutes of the Edgartown Planning Board's Public Hearing, November 9, 2021.
- E40. Minutes of the Edgartown Wastewater Commission, December 12, 2021.
- E41. Minutes of the Edgartown Planning Board's Continued Public Hearing, December 14, 2021.
- E42. Minutes of the Edgartown Wastewater Commission, January 7, 2022.
- E43. Minutes of the Edgartown Planning Board's Continued Public Hearing, March 1, 2022.
- E44. Land Use Planning Committee's Pre-Public Hearing Review, September 19, 2022.
- E45. Minutes of the Commission's Public Hearing, August 4, 2022.
- E46. Minutes of the Commission's Continued Public Hearing, September 1, 2022.
- E47. Minutes of the Commission's Continued Public Hearing, October 6, 2022.
- E48. Minutes of the Commission's Continuing Public Hearing, October 20, 2022.
- E49. Minutes of the Land Use Planning Committee's Post-Public Hearing Review, November 14, 2022.
- E50. Minutes of the Commission's Deliberation & Decision, November 17, 2022.
- E51. Minutes of the Commission's Approval of the Written Decision, December 15, 2022.

**2.5 Reports**

- R1. Market Feasibility Analysis for Skilled Nursing Green House Homes Martha's Vineyard, Massachusetts, prepared by Chi Partners, LLC, consisting of sixty-two (62) pages, dated April 2020; Executive Summary, consisting of four (4) pages updated January 2022.



- R2. Transportation Impact Assessment for Proposed Skilled Nursing Facility and Workforce Housing prepared for Pesce Engineering & Associates, Inc. by Vanasse & Associates, Inc., consisting of thirty-seven (37) pages, dated October 2020.
- R3. Transportation Impact Assessment Appendices, including: Project Site Plan; Automatic Traffic Recorder Count Data; Manual Turning Movement Count Data; Seasonal Adjustment Data; COVID-19 Adjustment Data; Public Transportation Schedules; Vehicle Travel Speed Data; General Background Traffic Growth; Background Development Traffic-Volume Networks; Trip-Generation Calculations; and Capacity Analysis Worksheets, consisting of one hundred thirty (130) pages, dated October 2020.
- R4. Environmental Report for Martha's Vineyard Green House Home Skilled Nursing Project prepared for the US Department of Agriculture by Pesce Engineering & Associates, Inc., consisting of forty-four (44) pages, dated October 23, 2020.
- R5. Environmental Report Appendices, including: Overall Site Plan Exhibit; Geotechnical Report prepared by Lahlaf Geotechnical Consultants, Inc.; EDR Environmental Lien and AUL Search Report prepared by Environmental Data Resources, Inc.; Historical and Cultural Resources Correspondence with Massachusetts Historical Commission; U.S. Fish & Wildlife Service Fact Sheets and Massachusetts Division of Fisheries & Wildlife Fact Sheets and Correspondence; and Traffic Impact Assessment Report prepared by Vanasse & Associates, Inc. consisting of one hundred thirty (130) pages, dated October 23, 2020.
- R6. Traffic Study Supplement in response to Martha's Vineyard Commission comments prepared by Vanasse & Associates, Inc. consisting of thirteen (13) pages, dated April 29, 2022.
- R7. Peer Review of R2. Transportation Impact Assessment prepared by Katherine O'Shea and Matthew Skelly of Fuss & O'Neill, consisting of three (3) pages, dated August 3, 2022.
- R8. Response to Traffic Study Peer Review, prepared by Jeffrey S. Dirk of Vanasse & Associates, Inc. consisting of forty-five (45) pages, dated August 5, 2022.

## **2.7 Miscellaneous**

- M1. Plastics and carcinogens: The example of vinyl chloride by Paul Wesley Brandt-Rauf; Yongliang Li; Changmin Long; Regina Monaco; Gopala Kovvali; and Marie-Jeanne Marion, consisting of eighteen (18) pages, published by the Journal of Carcinogenesis on March 12, 2012.
- M2. Environmental Assessment of House Cladding Products prepared by Dovetail Partners, Inc., consisting of fifteen (15) pages, dated September 16, 2019.
- M3. Polyvinyl chloride in consumer and environmental plastics, with a particular focus on metal-based additives, consisting of nineteen (19) pages, published by the Royal Society of Chemistry on July 30, 2021.

- M4. Groundbreaking Report Reveals Vinyl Flooring's 'Dirty Climate Secret' with link to full report, consisting of six (6) pages, published by the Center for Environmental Health in 2022.
- M5. Safe planetary boundary for pollutants, including plastics, exceeding, say researchers, consisting of five (5) pages, published by the Stockholm Resilience Centre of Stockholm University on January 18, 2022.

## **2.8 Summary of Testimony**

The following gave testimony during the public hearing on August 4, 2022:

- Staff presentation by Alex Elvin, DRI Coordinator and Mike Mauro, Transportation Program Manager.
- Presentation of the project by Denise Schepici, MV Hospital CEO; Davi McDonough, President of Navigator Homes; and Geoghan Coogan, Applicant's Agent.
- Oral testimony from Public Officials: none.
- Oral testimony from the Public:
  - Rodianna Pope, abutter in opposition,
  - Patricia Turken, abutter in opposition, and
  - Paddy Moore, Healthy Aging MV.

The following gave testimony during the public hearing on September 1, 2022:

- Staff presentation by Alex Elvin, DRI Coordinator.
- Oral testimony from Public Officials: none.
- Oral testimony from the Public:
  - Stewart Lewis, Vineyard Haven resident, spoke in favor of the project,
  - Cynthia Doyle, Chair of Healthy Aging MV, spoke in favor of the project, and
  - Mary Holmes, supervisor at the MV Center for Living, spoke in favor of the project.
- Closing statement by Denise Schepici, David McDonough, and Geoghan Coogan.

The following gave testimony during the public hearing on October 6, 2022:

- Staff presentation by Alex Elvin, DRI Coordinator.
- Oral testimony from Public Officials: none.
- Oral testimony from the Public:
  - Iris Freeman spoke in favor.

The following gave testimony during the public hearing on October 20, 2022:

- Staff presentation by Alex Elvin, DRI Coordinator.
- Oral testimony from Public Officials: none.
- Oral testimony from the Public:
  - Elsbeth Todd asked questions about the septic system, and
  - Curtis Cetrulo spoke in favor.
- Closing statement by Geoghan Coogan.

### 3. FINDINGS

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#### 3.1 Project History

The proposal has been developed over the last several years by the Martha’s Vineyard Hospital and Navigator Homes of Martha’s Vineyard, working with Healthy Aging MV (the Island’s elder advocacy organization) and other groups. In 2021, Edgartown voters approved an amendment to the town Zoning Bylaw (Article XV – Senior Residential Development), which allows the planning board to grant special permits for senior residential developments, including skilled nursing facilities, on properties that meet the following requirements:

1. *At least two acres of land;*
2. *Minimum of 100 feet of frontage on a public way; and*
3. *Public water and/or public wastewater service available to the site.*

#### 3.2 Project Description

The proposal is to develop a nursing home and skilled nursing facility for elders, along with workforce housing for hospital workers, including nursing staff for the facility. The facility would replace the Windemere Nursing and Rehabilitation Center, which is currently located at the Martha’s Vineyard Hospital in Oak Bluffs. The project would include four building types as shown below.

Building Type	Number of Buildings	Units per Building	Bedrooms per Building	Footprint per Building	Floor Area per Building	Uses
“Green House”	5	13 (one with 14)	13 (one with 14)	11,079 ft <sup>2</sup>	11,079 ft <sup>2</sup> (one floor)	Skilled nursing facility; shared living, dining, and function rooms; offices and staff areas; spa and care areas; patio and porch
Workforce Duplexes	4	2	4	1,186 ft <sup>2</sup>	2,372 ft <sup>2</sup> (two floors)	Workforce housing
Workforce Townhouses	1	8	20	5,102 ft <sup>2</sup>	10,107 ft <sup>2</sup> (two floors)	Workforce housing
Workforce Apartments	2	16	20	6,939 ft <sup>2</sup>	13,659 ft <sup>2</sup> (two floors)	Workforce housing

The project would create a total of 66 skilled nursing units (13-14 private bedrooms per building); and 48 workforce housing units with a total of 76 beds. The total floor area of all buildings would be 37,217 ft<sup>2</sup>, with a total footprint of 24,306 ft<sup>2</sup>.

The property would be subdivided into two lots (about 15 and 13 acres) in order to comply with USDA funding requirements and potentially qualify for a variance from the town Board of Health for the number of bedrooms. The lot with workforce housing would be owned by the hospital, and the lot with the Green House buildings would be owned by Navigator Homes, which would operate the facility under a model of skilled nursing known as the Green House Project. Navigator Homes has also partnered with Hebrew Senior Life, which owns and operates several senior housing developments in

greater Boston and would serve as property and operations manager. Conveyance of the Navigator Homes lot would be subject to various conditions under which the property could revert back to the hospital.

The existing Windemere facility will be refurbished and remain as part of the hospital, including the possibility of expanded primary care.

### **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(a) OF THE ACT.**

The Commission finds that the probable benefits of the project outweigh the probable detriments, as described below. The Commission finds the project would have a detrimental impact with respect to the environment (Section 15(b) of the Act) and the provision of municipal services or burden on taxpayers (Section 15(e) of the Act), and a beneficial impact with respect to persons and property (Section 15(c) of the Act) and the supply of needed low- and moderate-income housing for Island residents (Section 15(d) of the Act). The Commission finds the project would not unduly burden existing public facilities, and would generally align with local planning objectives.

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

The project will establish an advanced model of nursing home and skilled nursing care, along with workforce housing for employees of the Martha’s Vineyard Hospital and Navigator Homes, helping address a significant need on the Island in terms of employee housing and elder care. The Commission finds these benefits outweigh the likely detriments in regard to impacts upon the environment,

persons and property, and municipal services and taxpayers, as described below. In addition, the project is located in an appropriately zoned district, and there are few, if any, suitable alternative locations that are adequately sized and reasonably close to the hospital, and that have access to public transportation. For these reasons, the Commission finds the project is both appropriate and essential in view of the alternatives.

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

With respect to Water Quality (considered a primary factor in the decision), the Commission finds the project as conditioned would have a neutral impact, accounting for the required mitigation of nitrogen generated in excess of the MVC limit for the property.

With respect to Habitat, Environment, and Open Space (considered a primary factor in the decision), the Commission finds the project would have a detrimental impact due to the development of a forested lot that includes NHESP Priority Habitat, state-listed BioMap 2 Core Habitat, and MVC-identified Exceptional open space.

The Commission also notes the following with respect to impacts on the environment:

Water Quality

- The property is within the watershed of Sengekontacket Pond, which is impaired.
- The project will utilize NitROE denitrifying septic systems, which will entail subdividing the property so that each new lot could potentially use the septic systems to qualify for a variance from the town Board of Health regarding the number of bedrooms. The lot with workforce housing will be owned by the hospital, and the lot with the Green House buildings will be owned by Navigator Homes.
- NitROE systems of the proposed size are still in the pilot phase of development, so the MA Department of Environmental Protection (DEP) would require an 18-month testing period following installation.
- The DEP recognizes the proposed systems at 11 mg/L, but the vendor has provided recent data showing that the systems can reduce nitrogen output to less than 5 mg/L.
- The adjusted nitrogen load limit for the property, according the MVC Water Quality Management Policy, is 55.61 kg/year. Accounting for the estimated wastewater flow, runoff and landscaping, and the denitrifying septic systems, and based on projected nitrogen output of 5 mg/L, the project is estimated to generate a total of 122.53 kg/year, which is 66.92 kg/year over the limit. To mitigate the overage, the Applicant has proposed installing other NitROE systems in the watershed in two phases. The additional NitROE systems are intended to reduce the nitrogen output from those offsite properties by 66.92 kg/year.
- The Applicant has stated that disposal of medical waste associated with the Green House buildings will follow state and federal regulations, and will not be disposed of in toilets or sinks.

Habitat, Environment, and Open Space

- The project site is undeveloped and includes about 17.64 acres of Natural Heritage and Endangered Species Program (NHESP) priority habitat, which begins about 560 feet south of Edgartown-Vineyard Haven Road and continues past the southern and eastern property boundaries.
- The area is also listed as BioMap 2 Core Habitat by the state, and most of the lot, along with land to the south and east, is considered “Exceptional” open space according to the MVC 2005 Open Space Guideline Data.
- The total proposed area of disturbance on the site is 11.36 acres. The area of NHESP disturbance is about 4.51 acres.
- Following consultation with NHESP staff, the mapped habitat area was increased to include areas of pitch pine, and the project was revised to reduce habitat fragmentation.
- An environmental report prepared on behalf of Navigator Homes of Martha’s Vineyard and submitted to the USDA Rural Development Program for review concludes that there would be no significant environmental impacts. The report was submitted prior to revisions to the project in 2021.

#### Energy

- The Applicant has committed to rooftop solar on the three workforce housing buildings at the rear of the site, with an estimated output of 150 KW. The Applicant has stated that the Green House buildings would be solar-ready for 60KW.
- According to the Applicant, the project will comply with the Massachusetts Stretch Code, and is required by the MA Determination of Need Program to be designed and operated following LEED Silver Certifiable standards at minimum, with documentation provided to the Department of Public Health. The workforce housing would be constructed and operated according to LEED Building Design and Construction (BD+C) standards.
- The proposed energy sources for the buildings are electric heat pumps for heating and cooling, hot water, and cooking appliances. The Applicant has not determined whether propane would be used for cooking and laundry in the Green House buildings.
- Site plans also show a total of 19 electric vehicle charging stations, distributed around the property.
- The Green House buildings would have a diesel generator for backup.

#### Stormwater

- The middle part of the development would sit lower than the surrounding grade to the east and west. The grade would drop from about 53 ft to 46 ft above sea level on the western edge of the development envelope, and from about 61 ft to 46 ft on the eastern edge.
- The proposed drainage system would collect runoff from the roofs and road, directing it to various infiltration chambers around the buildings, including larger overflow chambers and bioretention areas at the front and back of the development. The system is designed for at least a 25-year storm, in line with the MVC Water Quality Management Policy.

- The Applicant has stated that permeable pavers and asphalt, as opposed to impermeable surfaces, would not be feasible due to their higher cost, maintenance requirements, and potential safety issues for elders on even surfaces.
- The project will require a National Pollutant Discharge Elimination System (NPDES) permit from the US Environmental Protection Agency, and a Stormwater Pollution Prevention Plan (SWPPP) to be prepared prior to construction.

**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 Traffic and Transportation (considered a primary factor in the decision), the Commission finds the project will have a detrimental impact by increasing the amount of traffic on Edgartown-Vineyard Haven Road.

With respect to Island Housing Needs (considered a primary factor in the decision), the Commission finds the project would have a major beneficial impact by providing workforce housing for the hospital and Navigator Homes, and by providing nursing home and skilled nursing beds on the Island. The Commission acknowledges that the nursing beds would benefit a relatively narrow portion of the population due to their cost, number, and availability, but that the project as whole would have a beneficial impact in terms of housing.

With respect to Character and Identity (considered a primary factor in the decision), the Commission finds the project would have a detrimental impact by establishing a large corporate/residential development in a rural, undeveloped area.

With respect to Social Development and Safety and Health (considered a primary factor in the decision), the Commission finds the project would have a beneficial impact due to the provision of nursing and skilled nursing beds and associated staff housing, and by implementing the Green House model of elder living as described below.

With respect to Impact on Abutters (considered a primary factor in the decision), the Commission finds the project will have a detrimental impact.

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

Traffic and Transportation

- The project site is within the Island Roads District of Critical Planning Concern (DCPC), with a Special Way along the southern boundary. Access would be via a new two-way road that branches off to the duplex buildings, circles around the Green House buildings, and provides access to the workforce apartments and townhouses at the rear of the site.
- Plans show a total of 121 parking spaces (about one per resident), including seven in front of each Green House building. The largest share of spaces (70) would be located in a parking lot at the rear of the site. The number of parking spots is the same as required by town zoning.

- Access and parking for the duplex units will be located between the units and Edgartown-Vineyard Haven Road, so will be partly visible from the road and shared-use path.
- Crosswalks are proposed at four locations within the development, as well as a new crosswalk on Edgartown-Vineyard Haven Road (near the VTA bus stop), and another where an existing shared-use path crosses the access road. A 5 ft sidewalk would run along the access road, with additional 5 ft walkways connecting the Green House buildings where they form a courtyard.
- Bike racks are shown at four locations on the property.
- The driveways will include stop signs and stop lines approaching Edgartown-Vineyard Haven Road to help limit impacts on the shared-use path.
- A Traffic Impact Assessment (TIA) by Vanasse and Associates Inc. (VAI) was completed in Oct. 2020 and later supplement to address LUPC and staff concerns. VAI concluded that the project would not have a significant impact on motorist delays or vehicle queuing in the area and recommended various access and transportation demand management strategies. Conclusions from the TIA:

1. *Using trip-generation statistics published by the Institute of Transportation Engineers (ITE), the project is expected to generate approximately 586 vehicle trips on an average weekday (two-way, 24-hour volume), with 58 vehicle trips expected during the weekday morning peakhour and 77 during the weekday evening peak-hour;*
2. *The project will not have a significant impact (increase) on motorist delays or vehicle queuing over Existing or anticipated future conditions without the Project (No-Build conditions), with all movements at the study intersections shown to continue to operate at a level-of-service (LOS) C or better under all analysis conditions. For context, we note that an LOS of "D" or better is defined as "acceptable" operating conditions;*
3. *No apparent safety deficiencies were noted with respect to the motor vehicle crash history at the study area intersections; and*
4. *Lines of sight at the Project site roadway intersection with Edgartown-Vineyard Haven Road were found to exceed the recommended minimum distance for safe and efficient operation based on the appropriate approach speed.*

- The LUPC authorized a peer review of the TIA by Fuss and O'Neill in June, 2022, to which VAI responded in August 2022, including revised tables, figures, photos, and capacity analysis worksheets as requested. Fuss and O'Neill provided final comments, stating that they have no other concerns.
- The Applicant has stated that the proposed 24-foot-wide site entrance is the standard width and adequate for emergency vehicle access. An emergency access plan has been provided.

### Island Housing Needs

*Nursing Home / Skilled Nursing:*



- The project will create 66 nursing home or skilled nursing beds, which is an increase from the 61 currently offered at Windemere, although only 28 of the beds at Windemere are currently filled. The Applicant has stated that the vacant beds at Windemere are due to staffing shortages, and indirectly to the lack of housing for hospital staff.
- Every Windemere resident at the time the Navigator Homes facility opens will be welcome to relocate to the new facility.
- As with current Windemere residents, the Green House residents could pay through Medicare or Medicaid, or out of pocket. The Applicant has stated that 75% of the Green House residents will meet the criteria for either Medicaid or Medicare eligibility. The hospital expects that not more than 50% of residents will pay out of pocket.
- The expected daily rates are \$328 for Medicaid residents, \$689 for Medicare residents, and \$515 for private-pay residents, with private-pay funds used to make up the shortfall from Medicaid reimbursements. The Applicant provided the following breakdown of current and projected residency:

	Windemere (current)	Navigator (future)	Increase
Nursing home care			
Medicaid	23 (82%)	33 (50%)	10
Private pay	4 (14%)	20 (30%)	16
Skilled nursing			
Medicare	1 (4%)	13 (20%)	12
Private insurance	0	0	0
<i>Totals</i>	<i>28</i>	<i>66</i>	<i>38</i>

- A 2020 Market Feasibility Analysis (updated in 2022) indicates a demand for up to 122 skilled nursing beds on the Island, but under state and federal law, healthcare providers may not restrict admission to Island residents only.
- Couples will be allowed to share a single room, but under Medicaid or Medicare, they would need to pay for two rooms in order to maintain the 14-person capacity of each building. In that case, the other room could be converted to additional space for the couple.

*Workforce:*

- The project will create 48 workforce housing units with 76 beds, including 14 units (30 beds) for regular Navigator Homes employees and 38 beds for hospital employees. The beds for hospital employees will include 28 beds for visiting staff in the first two years, which will decrease to 18 in years 2-5, and 0 after five years.
- Only employees of the hospital and Navigator Homes will be eligible for the units.
- The 48 workforce units will replace at least some of the 92 existing units offsite that the hospital currently leases or owns as workforce housing, enabling more long-term security of

workforce housing. The hospital will still retain enough ownership and rental units to meet the housing needs of 33 seasonal staff, 42 visiting specialists, and 21 regular staff. The remaining units will become available to the public, as long as the landlords continue to rent them.

- Accounting for the new workforce units, the hospital notes it will still need to find housing for 80 workers, and Navigator Homes will need to find housing for 37 workers.
- The Applicant provided the following breakdown of current hospital and Navigator Homes employees in terms of their personal salaries (percent of Area Median Income), and how the proposed units are expected to correspond to those salary ranges:

Employee salary as a % of AMI	MVH and Navigator Homes		Proposed workforce units		Green House
	Full-time employees	Percentage	Units	Percentage	Bedrooms
Less than 30%	-	0%	-	0%	40
31-50%	15	3%	3	6%	-
51-80%	139	32%	20	42%	-
81-100%	84	19%	12	25%	-
100-120%	46	11%	6	13%	-
121-150%	45	10%	3	6%	-
Over 150%	108	25%	4	8%	26
<i>Total</i>	<i>437</i>	<i>100%</i>	<i>48</i>	<i>100%</i>	<i>66</i>

- Rents will be “indexed to the employee’s household income,” and the “difference between the costs of running the housing development and the rents received will be born (subsidized) by the hospital.” The Applicant is working with the Dukes County Regional Housing Authority on an arrangement for income verification.
- The Applicant plans to establish a formal housing agreement (including conditions of eligibility, terms of duration, amount of rent net subsidy, and responsibilities of tenant and landlord), and has discussed elements of the agreement with the DCRHA, including the awarding of units by lottery.
- The Applicant notes that in recent years the hospital has needed to hire more temporary staff because of the housing shortage, so some of the new units may be occupied by temporary staff.
- There will likely be an onsite housing manager.

Character and Identity

- The proposed buildings will form a campus, with the smallest buildings in terms of floor area (duplexes) clustered near the front of the site, the largest (Green House buildings) clustered near the middle of the site, and the apartment buildings and townhouses toward the back of the site.

- Proposed roof heights are 31' for the apartment buildings, 30'9" for the townhouses, 30'3" for the duplexes, and 27'5" for the Green House buildings.
- The hospital has committed to not using vinyl siding on the workforce housing and looking into other options such as cedar shingles and fiber cement, with cedar on the duplex buildings and fiber cement on the others.
- The exterior of the Green House buildings will be fiber cement and recycled composite.

#### Social Development / Safety and Health

- The proposal is modeled after the Green House Project, a nonprofit that aims to create institutional care facilities with a higher quality of life for residents and a focus on relationships and community.
- The facility will resemble a neighborhood with houses and outdoor spaces while offering care to people with healthcare and cognitive needs.
- The 2020 Market Feasibility Analysis includes various demographic data for the Island, including the rapidly aging population, and indicates a demand for between 112 and 120 nursing beds (including private-pay, Medicaid, and Medicare), which exceeds the current supply.
- The proposed project would increase the number of nursing beds on the Island from 61 to 66, and potentially offer those residents a higher quality of life than they might experience at Windemere.
- The Applicant has stated that the facility will be designed and constructed in compliance with Department of Public Health requirements for skilled nursing facilities.
- The project will enable the hospital to repurpose the existing Windemere facility to provide expanded hospital services.

#### Impact on Abutters

- The project site abuts seven residential properties with houses to the west (Teaberry Lane), and 11 vacant lots to the east and south (Halls Gate Way).
- Site plans show required setbacks of 100 feet to the west lot line, and 50 feet on the east and north lot lines. The proposed Green House buildings will be about 200 feet from the west lot line, 195 feet from the east lot line, and 242 feet from the north lot line. Those distances had been increased largely in response to abutter concerns during the Planning Board review. The duplex units at the front of the site will have a minimum distance of about 70 feet from Edgartown-Vineyard Haven Road, 90 feet from the east lot line, and more than 300 feet from the west lot line.
- The project may lead to increased noise levels on the abutting properties. However, the middle part of the site will be lower than the abutting lots on Teaberry Lane and Halls Gate Way, with existing woods in between and additional landscaping along the new access road that circles the development, helping to reduce noise and visual impacts.

#### Landscape and lighting

- The Applicant has provided a preliminary landscape plan and photographs of sample landscaping themes for the project.
- A 20' vegetated buffer is proposed between the loop road and the parking lots for the larger workforce units, a mix of native and ornamental plantings around the buildings, and a total of 43,439 ft<sup>2</sup> of lawn space.
- Perimeter areas will be restored with native vegetation.

#### Construction management

- The Applicant anticipates construction beginning sometime in the fall of 2022. Construction will likely occur in phases, starting with the skilled nursing facility, but a construction schedule is pending final design and approvals.

**A4. In regards to the supply of needed low- and moderate-income housing for Island residents (Section 15(d) of the Act), the Commission finds that the project will have a beneficial impact. (See Island Housing Needs above.)**

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

The Commission notes the following:

- The project will have an impact on municipal services, since it will establish a medical facility and relatively dense housing with associated demands on municipal services such as public safety and the school system.
- The Applicant has applied to the town for a property tax exemption. The town assessor has stated that board of assessors may grant such an exemption for the hospital and/or Navigator Homes if it finds that the development will be occupied by each nonprofit for charitable purposes. The board has not yet reviewed the applications.
- The Applicant has clarified that it has offered to provide some financial contribution to the town in lieu of taxes.

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

The Commission finds the project will likely have a minimal impact on public facilities.

**A7. The Commission finds that the project as proposed generally does not interfere with the ability of the municipality to achieve 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 sections 5 (Social Environment) and 7 (Energy and Waste) of the MVC Island Plan, and to some degree sections 2 (Development and Growth), 3 (Natural Environment), 4

(Built Environment), and 8 (Housing). The Island Plan aims to limit new development in outlying areas, focus new development on areas that have already been developed, accelerate the rate of open space protection, create more walkable communities that are less reliant on automobiles, and encourage the use of existing housing stock for affordable and community housing. The project is located within undeveloped open space and will rely largely on automobiles, although it is also on a bus route and within an area indicated for "Housing Development Suitability" in the Island Plan. The project will involve disturbance of NHESP habitat, although the Applicant has taken steps to reduce the disturbance area.

**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 project is allowable by special permit and would require zoning relief for the number of parking spaces and height of the duplex buildings, and for setbacks resulting from the proposed subdivision.

- B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WOULD BE GENERALLY 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.**
- 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.**
- 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.**

A portion of the project site is within the Island Roads District of Critical Planning Concern. The proposed duplex buildings would exceed the general height restriction for the district, but could be allowed by special permit.

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**

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The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on November 10, 2022 and made its decision at the same meeting.

The following Commissioners, all of whom participated in the hearings and deliberations, participated in the decision on November 10, 2022:

Voting to approve the project: Jeff Agnoli, Trip Barnes, Christina Brown, Jay Grossman, Fred Hancock, Michael Kim, Joan Malkin, Greg Martino, Kathy Newman, Kate Putnam, Ben Robinson, Doug Sederholm, Ernie Thomas, Jim Vercruyssen

Voting against: Brian Smith

Recused: Peter Wharton

Ineligible to Participate: 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 November 17, 2022 and was approved by a vote of the Commission on December 15, 2022.

## **5. CONDITIONS**

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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. Waste Management: The Applicant shall install recycling bins at convenient locations inside and outside the building and maintain them regularly. Dumpsters shall be located as shown on the Plans.
2. Deliveries: The Applicant shall schedule truck deliveries and waste removal to the best of their ability, between 7 a.m. and noon. However, there may be occasional deliveries between noon and 9 p.m. There shall be no deliveries between 9pm and 7am. Employees shall manage and be present for all deliveries.
3. Bicycling: The Applicant shall provide and maintain bike racks within the parking areas, and shall provide information about alternative means of transportation to residents and employees such as by posting signs indicating alternative means of transportation for residents and employees at several public and employee areas around the site.
4. MVH Shuttle: The Applicant will work with the VTA or internally to provide for shuttling services between the development and Martha's Vineyard Hospital.
5. Building Design: Final architectural plans and details as per the application. The workforce housing exterior siding materials including trim shall be a mix of traditional cedar and fiber cement board products. The Skilled Nursing Facility is required by State and Federal Standards to use non-combustible siding and shall employ fiber cement products.
6. Workforce Housing: The proposal provides forty-eight (48) units of workforce housing. Such units shall be occupied by staff of Martha's Vineyard Hospital and Navigator Homes, for either

permanent year-round housing or seasonal housing as required. A detailed explanation of the various levels of income qualification is stated in the application. MVH will work with Dukes County Regional Housing Authority (DCRHA) to qualify and award housing to staff. (The Applicant clarified that DCRHA would handle income qualification and any lottery process that may be needed. The Applicant expects the demand for units to exceed supply, so there will likely be a lottery for each unit, limited to MVH and Navigator staff.)

7. Construction Management Plan: A Construction Management Plan shall be submitted to the Martha's Vineyard Commission Land Use Planning Committee for review and approval before issuance of a building permit. Local, licensed, qualified, and insured subcontractors will be encouraged to bid.

Further Conditions:

Wastewater

8. To mitigate the excess nitrogen generated by the project (estimated at 66.92 kg/year over the limit for the property), the Applicant shall install at its expense approximately 14 NitROE denitrifying septic systems in the Sengekontacket Pond watershed, with preference for properties draining into areas with high nutrient levels, and/or lower-income properties or those with failed systems. The Applicant will provide the necessary funding for the systems in two phases to The Resource Inc. (TRI), which will oversee the installation of the systems and initial operations and maintenance, as outlined below.

Within 120 days of Edgartown Planning Board approval for the project, and prior to receipt of a Building Permit for the workforce portion of the project, the Applicant shall make an initial payment to TRI for installation of eight of the NitROE systems. During the first year of operations for the MVH/Navigator Homes project, the project septic systems shall be monitored monthly, along with town water use records for the property, for comparison to the nitrogen loading calculations dated Oct. 3, 2022. Protocols for such monitoring shall be subject to review by MVC and Edgartown Board of Health staff. The Applicant shall also provide monthly occupancy records for all units and the monthly staffing level (i.e., number of on-site employees) for the Navigator Homes buildings. The eight installed systems elsewhere will be monitored at least four times per year, with results provided to the MVC and Board of Health. After the second year of data collection, and taking all of the results from the MVH/Navigator Homes project and individual NitROE systems into account, MVC staff will recommend to the LUPC how many additional NitROE installations are needed to mitigate the excess nitrogen generated by the project, including the amount of nitrogen generated above the limit for the property in the first two years. The results and staff recommendation shall be subject to review and approval by the LUPC. Final payment to TRI for the second phase of installation, based on the LUPC approval, shall be made within 60 days after of the second year of project operations.

9. If only part of the project is constructed during the first and/or second year, then the Applicant shall pay the fair share portion of nitrogen mitigation payments for the first- and second-year payments for any active residences/Green House homes and their associated septic systems. In this

case, the mitigation calculations shall be submitted to MVC staff and the LUPC as outlined above and updated at least annually until such time that the entire project is accounted for in the nitrogen mitigation program. In this case, each subsequent annual update shall be subject to LUPC review and approval.

10. For the first phase of nitrogen mitigation as outlined above, the following condition shall apply: A proposal for each system to be installed, including its location, estimated nitrogen load reduction, and operations and maintenance contract, shall be submitted to the MVC prior to the issuance of a CO for the first building of the DRI. The Applicant and/or TRI shall enter into an agreement with each property owner on whose property the mitigating systems will be placed. The agreements shall be subject to MVC Executive Director review, and shall require that 1) the installed system be maintained and operated by the owner in perpetuity per the installer's specifications, 2) the owner provide annual certification of this (including test results where applicable) to the MVC, 3) the Applicant cover the cost of regular testing for the first five years, and 4) the property owner shall assign rights under the agreement to any subsequent property owner, who shall assume the property owner's obligations under the agreement. If a property owner fails to maintain and operate the system as required, or fails to provide the required certification, TRI is required to promptly enforce the terms of the agreement.

This condition also applies to the second phase of installation, except that the proposal for each system shall be submitted for review and approval within 60 days after the second year of project operations. For any additional phases of installation as accounted for in Condition 2 above, a proposal and full payment for each system shall be submitted for Executive Director review and approval prior to issuance of a Certificate of Occupancy for that portion of the project.

11. Water use records and testing results for the mitigation systems as outlined above, and for the project systems, shall be provided to the MVC annually for three years following the completion of the final phase of nitrogen mitigation. If the documented annual nitrogen reduction offsite does not fully mitigate the documented excess annual nitrogen load generated by the project, then further mitigation shall be required by the LUPC.
12. A final nitrogen mitigation proposal accounting for these conditions and approved by the Edgartown Board of Health shall be submitted to the LUPC for review and approval prior to receipt of a Building Permit. The MVC acknowledges that the Edgartown Board of Health may impose more frequent or extended review intervals than outlined in Conditions 1-4 above, and may impose requirements that are more stringent than those imposed by the MVC.

#### Other Conditions

13. The workforce units shall comply with Universal Design standards and requirements.
14. A determination letter from the MA Division of Fisheries and Wildlife (MassWildlife) pertaining to the NHESP area of disturbance, including any conditions that MassWildlife places on the project to avoid a prohibited take of state-listed species, shall be provided to the MVC prior to receipt of a Building Permit.



15. A final drainage plan designed for at least a 25-year storm shall be submitted to the LUPC for review and approval prior to receipt of a Building Permit.
16. A proposal to establish a walking trail connecting Pennywise Path and Edgartown-Vineyard Haven Road, as discussed with MVC staff during the hearing and subject to NHESP review, shall be submitted for LUPC review and approval prior to receipt of a Certificate of Occupancy, and shall be implemented as approved.
17. The Applicant shall implement all recommendations regarding project access and transportation demand management, as presented in the Traffic Impact Assessment by Vanasse and Associates dated October 2020.
18. As proposed, solar panels shall be installed on the three workforce units toward the rear of the site, with an estimated output of 150KW; and on the Green House building with an estimated output of 60KW.
19. The Applicant shall participate in an Island-based composting program.
20. A final landscape plan for the property, including a planting schedule, 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, and water.
  - No pesticides or herbicides shall be used in the maintenance of landscaping.
  - The plan shall indicate vegetated screening in places where vehicle headlights would be directed toward natural habitat.
21. 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.
22. A construction management plan shall be submitted to the LUPC for review and approval prior to receipt of a Building Permit.
23. The Applicant shall provide a surveyed, dimensional, as-built site plan prior to receipt of a Certificate of Occupancy. If occupancy is to occur in phases, then an as-built plan for each phase shall be submitted prior to receipt of a Certificate of Occupancy.
24. Any proposed modifications to DRI 720, as approved herein, including any modification resulting in any change of use or change in intensity of use, and any modification to the proposed wastewater management system, shall be referred to the MVC for prior review and approval.

## **6. CONCLUSION**

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### **6.1 Permitting from the Town**

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

The permit-granting authorities of the Town of Edgartown 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 Edgartown 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.

**[The remainder of this page is intentionally left blank]**

**6.4 Signature Block**

Jim Ver-  
Jim Verducruysse, Vice-Chair

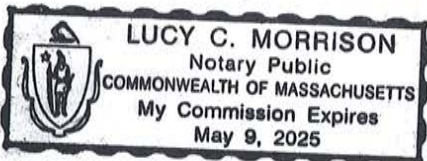
12/19/2022  
Date

**6.5 Notarization of Decision**

Commonwealth of Massachusetts  
County of Dukes County, Mass.

On this 19<sup>th</sup> day of December, 2022, before me, Lucy C. Morrison, the undersigned Notary Public, personally appeared Jim Verducruysse, 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 he 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 his knowledge and belief.

Lucy C. Morrison  
Signature of Notary Public



Lucy C. Morrison  
Printed Name of Notary  
My Commission Expires May 9, 2025

**6.6 Filing of Decision**

Filed at the Dukes County Registry of Deeds, Edgartown, on: December 27, 2022

Deed: Book 1644, Page 1019

Document Number: 7771

ATTEST: Paulo C. DeOliveira, Register  
Dukes County Registry of Deeds