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Martha's Vineyard Commission

DRI 740 Northern Pines Farm

MVC Staff Report – 2023-6-11

1. DESCRIPTION

- 1.1 **Owner:** Paradise Land Trust
- 1.2 **Applicant:** Paradise Land Trust via John R. Packer & Janet M. Packer, Trustees
- 1.3 **Applicant's Agent:** Glenn Provost of Vineyard Land Surveying and Engineering
- 1.4 **Project Location:** 60 Kuffies Point Way, Tisbury
- 1.5 **Proposal:** Subdivision of land into eight building lots and one agricultural parcel.
- 1.6 **Zoning:** R3A Zoning District (Three-Acre Zoning)
- 1.7 **Local Permits:** Potential Chapter 61A adjustment
- 1.8 **State Permits/Authorization:** Potential Chapter 61A adjustment, Natural Heritage zones
- 1.9 **Surrounding Land Uses:** To the Northeast, the proposed Subdivision site fronts Kuffies Point Way. Beyond exist multiple private lots that extend to Lake Tashmoo. Some 800-feet to the East, on the shore of Lake Tashmoo, is the Martha's Vineyard Land Bank's 2.2-acre Hillmans Point Preserve. To the Southeast, the proposed Subdivision site fronts Northern Pines Road. Beyond is a large parcel of pastureland. To the Northwest, the proposed Subdivision site abuts two private lots and the 52.3-acre Sheriff's Meadow Foundation's Phillips Preserve. To the Southwest the proposed Subdivision site abuts the Phillips Preserve.
- 1.10 **Project History/Site Description:** The proposed Subdivision site has been used for agricultural purposes by the Packer family for many years. Trustee John Packer believes that long ago the proposed Subdivision site was the meeting point of two glacial lobes and that the meltwater from those lobes created a glacial river that flowed across much of the pastureland on the property. Save for a small pond, there is no surface freshwater evident at the proposed Subdivision site presently. The site is largely open pastureland but also includes some woodland areas. Currently, Janet and John Packer raise Highland Sheep and several types of poultry at Northern Pines Farm, the proposed Subdivision site. Highland Cattle were previously raised at the farm. One four-bedroom dwelling exists in the Northwest corner of the proposed Subdivision site with an adjacent, small-size barn nearby. Elsewhere on the property are a camp cottage, a workshop, and large solar array on pilings that serves as an open-sided barn. At various locations around the proposed Subdivision site, livestock shelters made from recycled industrial vessels exist. Some are huge, bisected steel tanks, others are halved roll off dumpsters. The Highland Sheep take shelter in these custom enclosures. In 2009 the Tisbury ZBA approved the erection of an 80-foot plus MET Tower, an experimental wind tower, on the proposed Subdivision site. It's unclear if the tower was ever erected. Building records reveal stamped civil engineering drawings of the tower done by then West Tisbury civil engineer Kent Healy. No tower exists on the proposed Subdivision site presently. Healy also generated drawings for the elevated solar array.
- 1.11 **Project Summary:** Under Subdivision Control Law, create eight 3.1 acre Building Lots and one 16.22 acre Agricultural Parcel. Per a Jan. 5 letter to the Tisbury Planning board, the Applicant's Agent stated: "The lots will have onsite wells and septic systems & all required utilities will be placed underground." One of the Trustee Applicant's has stated the Subdivision is being proposed for estate purposes.

2. ADMINISTRATIVE SUMMARY

- 2.1 **DRI Referral:** Tisbury Planning Board
- 2.2 **DRI Trigger:** Checklist 2.3 (Division of 10 or more acres) subsection d "for land 30 acres or more..." Mandatory referral and Commission review.

2.3 LUPC: Met May 1, 2023

2.4 Full Commission: Hearing held May 18, 2023 and continued to June 1, 2023

3. PLANNING CONCERNS

- 3.1 **Wastewater:** The proposed Subdivision is within the Tashmoo Watershed. The Applicant's Agent has provided nitrogen calculations per Commission Water Quality Policy. Those calculations have passed initial review by Commission staff. Also provided, directly by the Applicant, per Commission Water Quality Policy, livestock and nutrient management plan/explainer has been provided and has passed initial review by Commission staff.
- 3.2 **Environment / Habitat:** Agricultural Open Space will be preserved at the proposed Subdivision in the form of 16.22-acres of pastureland. There will, however, be a bit of shrinkage of Agricultural Open Space in the proposed Subdivision as compared to the intact premises presently. However, given the 3.1-acre size of the building lots, that shrinkage may be offset by the vast yards each lot will likely have when, if ever, they are developed. A significant portion of the proposed Subdivision site is shaded as Exceptional Open Space on GIS mapping. A sizable portion of the Exceptional Open space within the proposed Subdivision site, though not all of it, is encompassed in the agricultural parcel. GIS mapping also revealed roughly half the proposed Subdivision site contains Natural Heritage habitat. It's unclear what rare or endangered flora and/or fauna are in the Natural Heritage habitat.
- 3.3 **Housing:** Upon review of the housing policy, the proposed Subdivision, as presented, falls under **2A.6, Family Subdivision**, which allows the Commissioners discretion to refrain from determining the need for affordable housing mitigation. Please note that under 2.A6, any future open market sale of any buildable lots out of the family would make that lot (or those lots) subject to affordable housing mitigation at that time. It should be noted that the strictures Chapter 61a places on the proposed Subdivision grant the Town of Tisbury first right of refusal ahead of any sale or transfer of lots. Additionally, under Chapter 61a, a sale or transfer of a lot would be subject to rollback taxation.
- 3.4 **Traffic and Transportation:** The proposed Subdivision is located on semi-private dirt roads which are ultimately connected to Lambert's Cove Road. As these roads weren't municipally designed and are not municipally maintained, it may be necessary to make sure fire apparatus can safely traverse them to the proposed Subdivision site. Furthermore, at the proposed Subdivision site, it would seem necessary to ensure fire apparatus can safely traverse all interior rights of way and can stage and turn around in those rights of way as needed. As the proposed Subdivision lies between two conservation properties: Sheriffs Meadow Foundation's Phillip's Preserve to the West and the Martha's Vineyard Land Bank's Hillmans Point Preserve to the East, the public has the right to travel by vehicle and foot on Northern Pines Road to access these properties. Pedestrian access could be made safer by the provision of a walking easement along the Southeast edge of the subject property. According to the Applicant, the Applicant has forged an agreement with Sheriff's Meadow to create a roadside trail easement.