



BOX 1447, OAK BLUFFS, MASSACHUSETTS, 02557, 508-693-3453,
FAX 508-693-7894 INFO@MVCOMMISSION.ORG WWW.MVCOMMISSION.ORG

Martha's Vineyard Commission

DRI # 34-M2 Flat Point Farm Preliminary Estate Plan

MVC Staff Report – 2009-09-29

NOTE: New information is printed in bold type.

1. DESCRIPTION

- 1.1 Applicant:** Flat Point Farm, A. M. Fischer 1994 Trust, Priscilla P. Fischer, Arnold Fischer Jr. and Elinor Fischer (Trustees); Glenn Provost (Agent)
- 1.2 Project Location:** Road to Great Neck, West Tisbury Map 35 Lot 3.1 (91.6 acres)
- 1.3 Proposal:** A preliminary estate plan that would subdivide a 91.6 acre farm into 2 large conservation parcels (67.8 acres), 5 four-acre lots (around existing buildings), and 3 one-acre (+/-) youth lots.
- 1.4 Zoning:** RU – Residential 3-acre minimum lot size. The purpose of the Rural District (RU) is to maintain the Town's historic pattern of rural settlement, characterized by large expanses of open space and unspoiled views from the road, a scattering of residences and small businesses, and clustered development surrounded by open space. A considerable amount of the property, within 500 feet of the water, is within the Coastal District DCPC. The first 100 feet is considered the Shore Zone and has more stringent regulations than the Inland Zone (100'-500' from water).
- 1.5 Local Permits:** Planning Board for Form A Subdivision.
- 1.6 Surrounding Land Uses:** The property is a combination of farm fields (hay and pasture) and woods between two coves of the Tisbury Great Pond.
- 1.7 Project History:**
- The property has been in the Fischer family for several generations.
 - In 1976 Arnie Fischer Sr. came to the MVC to subdivide four 5-acre lots, one for each of his children, out of the original 130 (+/-) acre farm.
 - In 2007 they created a 12.9 acre Form A lot (DRI 34-M) around an existing camp building that was built in 1969.
 - At the time of the 2007 DRI review the Trust was working out a comprehensive estate plan for the entire property.
 - This is the preliminary estate plan for the remaining 91.6 acres.
- 1.8 Project Summary:**
- To subdivide a 91.6 acre farm into 2 large conservation parcels (67.8 acres), 5 four-acre lots (around existing buildings), and 3 one-acre (+/-) youth lots.
 - The property is presently restricted under Chapter 61A.
 - The preliminary plan shows two large conservation parcels (total 67.8 acres). Eventually they will put a conservation restriction on both parcels. The details have not been determined yet.
 - The 5 four-acre lots are created around existing structures. These lots are specifically sized at four-acres so that guest houses will not be allowed. One of these lots is built around a small rustic camp.
 - The three new youth lots are each 1.1 acres and clustered together.
 - The three youth lots are being created as part of the division but they are not going into a public fund. They will be reserved by the family for later distribution in accordance with town zoning section 4.4-7 (Homesite Lots).

2. ADMINISTRATIVE SUMMARY

- 2.1 DRI Referral:** West Tisbury Planning Board. The Planning Board sent a letter indicating that they felt the proposal could be dealt with by the Town and that the Modification did not necessitate full DRI review. However, the project triggers mandatory referral under Section 3.203 a and b.
- 2.2 DRI Trigger:** 3.102b, 3.203a, and 3.203b. **3.102** Any development, with the concurrence of the Martha's Vineyard Commission, which: b) is a new proposal on a site upon which there is a previously approved DRI application for a different proposal.
- 3.203** Any development that proposes to divide a contiguous or related ownership of land of five (5) acres or more which is: **a)** currently active farmland, or **b)** land that has actively worked as farmland within the past five (5) years; or
- 2.3 Pre-Application meeting with staff:** July 16, 2009
- 2.4 LUPC:** August 31, 2009
- 2.5 Site visits: October 1, 2009 at 8:30 am.**
- 2.6 Public Hearing:** October 1, 2009 at 7:45 pm.

3. PLANNING CONCERNS

3.1 Some Potential Key Issues

- Regional
- Environment: This property is in an NHESP priority habitat area.
- Soil: The soil is a Prime Agricultural Soil.
- Character: This is a large tract of land on the Tisbury Great Pond.
- Character: This adds buildable lots at the end of a long dirt road.
- **Character: Does a prescriptive right to use a road also allow for an increase in that use?**
- Wastewater: The Tisbury Great Pond is a nitrogen sensitive body of water.
- **Wastewater: How should the MVC deal with nitrogen loading from farms?**

3.2 Environment

- **Vegetation:** About 1/5th of property is woods and the remaining 4/5th is hay fields.
- **Habitat:** The site is in an NHESP Priority Habitat (as is virtually everything south of Edgartown-West Tisbury Road)
- **Landscaping:** None is planned at this point.
- **Open Space:**
- **Lighting:** No additional lighting is planned at this point.
- **Noise:**
- **Energy/Sustainability:**
- **Waste Management:**
- **Water:**
- **Wastewater / Stormwater:**
 - **The Water Quality Policy for DRIs does not provide guidance for the calculation of nitrogen loading from farms. MVC staff proposes a methodology (see attached Water Policy addendum) which doesn't penalize**

farmers using good farming practices today, and which encourages better practices in the future.

- **Using the proposed methodology the proposal would be within the policy.**
- **The Water Quality Policy for DRIs allows development on properties where the nitrogen loading is over the limit for the property, provided there is no net increase in nitrogen loading.**
- The property is located along the shore of Tisbury Great Pond, a nitrogen sensitive pond. The site elevation appears to range from 10 feet to over 15 feet NGVD. The Pond at times will be 3 feet above sea level.
- The farm portions have been managed as grassland. Site soil type is largely Riverhead sandy loam, a Prime Agricultural Soil. There are smaller areas of Carver loamy coarse sand near the head of Short Cove.
- As currently configured, the property includes 3 existing dwellings and a seasonal camp, livestock and hay storage buildings and an agricultural operation on 91.5 acres.
- The Farm is within the Tisbury Great Pond watershed that is a nitrogen impaired water body.
- The Commission's Water Quality Policy calls for a nitrogen limit of 0.8 kilograms per acre per year or 73.2 kilograms of nitrogen loading per year from the entire property.
- **Existing Residential Nitrogen sources:**
 - Nitrogen loading from the 4 existing residences is approximately 36.8 kilograms (81.1 pounds) per year. NOTE: This is on the high side as one of the residences is a small camp.
 - The residential nitrogen load is 0.4 kilograms per acre per year without the agricultural component.
- **Existing Agricultural Nitrogen Sources:**
 - **(see attached Water Policy addendum)**

3.3 Transportation

- **Access:**
 - Road to Great Neck is a private dirt road off of Tiah's Cove Road in West Tisbury.
 - The Flat Point Farm has a prescriptive easement to Road to Great Neck. It has been used by this property for so long that there is a right to use it based on historic use.
 - Widening would require permission from owners along the route.
 - The plan calls for laying out a 30' easement over the existing roadway on the Flat Point Farm section of the Road to Great Neck.
 - All lots with the exception of the youth lots already have their driveways.
- **Trip Generation:**
 - **The MVC has historically used 10 trips per day per residential household.**
 - **The existing residential trip generation for the Road to Great Neck from where it enters Flat Point Farm was estimated to be 85 trips per day.**
 - **This was based on there being nine residential units on the existing lots.**
 - **There are two houses on the four lots from 1976.**

- There are two houses on properties owned by neighbors on this stretch of road.
 - There are three existing houses on the proposed lots.
 - There are three existing seasonal camps (5 trips/day/each)
- The existing potential residential trip generation was estimated to be 110 trips per day.
 - There is one empty lot and one seasonal camp from the 1976 subdivision that could have houses on them currently (+ 15).
 - There is seasonal camp on the 12.9 acre lot from 2007 that could build (+5).
 - There is a seasonal camp that could become a full time residence (+5).
- The proposed residential trip generation is estimated to be 150 trips per day.
 - There would be a new house with the farm buildings (+10).
 - There are three new “homesite” lots (+30).
- The traffic generated by the farm and associated uses fluctuates by season and year. Trips generated by the farm include:
 - The coming and going of the Farm employees.
 - The coming and going of employees from a landscaping business.
 - Occasional produce sales of hay, eggs, meat, etc...
 - At the height of summer the total trips might reach 30 trips a day
 - In the winter the total trips might only be 10 trips a day.
- Based on these estimates the proposal would result in an increase from about 140 existing potential trips a day in summer (110 + 30) to about 180 trips (90 in and 90 out) a day in summer, a 23% increase.
- **Roadways:**
 - Automatic traffic recorder counts were conducted on July 9 – 21, 2009 on the Edgartown Vineyard Haven-West Tisbury Road west of Old County Road at the Mill Pond. This count location is requested annually by the Massachusetts Highway Department (MHD Station #7154) as part of their Regional Planning Agency (RPA) count program.
 - The average daily traffic volume was approximately 7,707 vehicles.
 - The MVC does not have any historical data either New Lane/Tiah’s Cove Road or the Road to Great Neck.
- **Sight Lines:**
 - Sight lines at the study area intersections and the existing driveways were also analyzed and are adequate.
 - The posted speed limit along Edgartown Vineyard Haven-West Tisbury Road is 35 mph. The corresponding required sight distance for 35 mph is 250 feet. At the study area intersection of Edgartown Vineyard Haven-West Tisbury Road and New Lane, sight lines exceed 700 feet in each direction which is more than adequate for the posted speed limit.

- **At the existing intersection of New Lane, Tiah's Cove Road, and the Road to Great Neck Road, the sight lines are approximately 350 feet looking left and 300 feet looking right. The posted speed limit on New Lane-Tiah's Cove Road is 25 mph, which require 155 feet of sight distance, making these sight lines adequate.**
- **Traffic Safety:**
 - **The study area for the proposed project includes two key existing intersections providing access to the project site:**
 - **Existing intersection of Edg. – W. T. Road with New Lane**
 - **Existing intersection of New Lane with the Road to Great Neck.**
 - **The accident data was obtained from MassHighway records for the three most recent years available (2005-2007). Zero accidents were reported on New Lane/Tiah's Cove Road or on or near the intersection of Edgartown - West Tisbury Road and New Lane during this time.**
 - **Turn-outs along Flat Point Farm Road and Road to Great Neck Road were found to be sufficient by staff during a site visit on September 17, 2009. Turn-outs were carved on either side of the dirt roadway every 50 feet, roughly, making two-way traffic safe along this stretch of road.**
- **Parking:**
 - All lots with the exception of the youth lots already have their parking.
- **Traffic Summary:**
 - **The increase in trips will have a minimal impact on the New Lane and Edgartown – West Tisbury Road.**
 - **The increase in trips will have a moderate impact on Road to Great Neck**

3.4 Affordable Housing

- The Applicants plan to create three 1.1 acre "youth lots" that would not be transferred to a non-profit nor put out to lottery but will comply with town zoning section 4.4-7 (Homesite Lots).
- In considering how to apply the MVC's Affordable Housing Policy:
 - **A)** Staff, after consulting with counsel, recommends not counting the four buildable lots dating from 1976 because the lots were subdivided before the adoption of the MVC's Affordable Housing Policy in 1988 and because there was no mention in the written decision of any affordable housing mitigation.
 - **B)** Staff recommends not counting the two conservation parcels toward the MVC's Affordable Housing Policy calculation since they would not be buildable lots, provided that the parcels are placed under a permanent conservation restriction to prohibit further development.
- The proposed project would result in a total of nine buildable lots under the Affordable Housing Policy, namely five 4-acre buildable lots, three 1-acre "youth lot" parcels to be developed under West Tisbury's Homesite By-law section 4.4-7, and the one (12.9 acre) buildable lot from 2007. This does not trigger the MVC's Affordable Housing Policy.
- The MVC could include language in the written decision that any further subdivision of land would trigger the MVC's Affordable Housing Policy. If that happens, the Commission might then consider the three Homesite Lots as mitigation, provided that all of the guidelines and requirements established by the West Tisbury Affordable Housing Committee, Planning Board and Zoning Board of Appeals had been met.

3.5 Economic Impact

- The proposed project is a preliminary estate plan. The future development of the property, specifically the three youth lots and the one 12.9-acre lot would create a small number of jobs within the construction and service sector industries in addition to demand for materials.
- **The impacts to municipal services such as schools, police and fire are likely to be minimal because some lots already have existing homes and buildings. Five lots have homes where two houses are occupied year-round while the other three maybe occupied seasonally but it is not clear. There are three seasonal camps in addition to several farm buildings.**
- **The over all municipal impacts of 13 buildable lots (even if occupied year-round) on a 124+ acre property would still be small in comparison to what could be developed under existing zoning.**

3.6 Scenic Values

- **Pondscape:** Concern that the rural nature of the area could be affected by development.
- **Trails:**
 - **Conserved parcels boarder the north and southeast.**
 - **To the north, the land bank has an agricultural preservation restriction (APR) over Crow Hollow Farm and maintains a public walking path along the east and south perimeter of the farm. This is served by a 2-car trailhead off Tiah's Cove Road and dead-ends before reaching Road to Great Neck, a private road. The trail overlooks a field of Flat Pt Farm.**
 - **The land bank has another APR with public trail access, 500 feet to the north, on the west side of the Road to Great Neck.**
 - **To the southeast, the 52 acre Spaulding/Silva parcel has a conservation restriction but has no public access.**
- **Building Massing:**
 - Three of the new lots have existing houses that at most can add a very small addition.
 - Because they are in the Coastal District DCPC if they wanted to demolish the existing and build bigger they would most likely have to move across the road away from the water. They could not rebuild within 100' of the water and would require a Special Permit between 100' and 500' of the water.
 - One lot is drawn around a rustic camp that is adjacent to the water.
 - One lot is drawn around an assortment of farm buildings.
- **Architectural Detailing:**

3.7 Local Impact/Abutters

- Existing residents along Road to Great Neck may have concern about increased traffic.

4. CORRESPONDENCE

4.1 Town Officials: the **Town of West Tisbury Planning Board** has written in their referral that they feel this proposal "is a relatively benign development of this large parcel compared to the density that could have been proposed... Overall, (they) feel the plan embodies the Zoning Bylaw's Open Space Development goals."

4.2 Island Organizations:

4.3 Public: Kristian Strom, Samantha Look, and Carly Look have written with concerns about the impact of the proposal on the character of the Road to Great Neck. They question the legal right of the applicant to increase their use of the Road to Great Neck.