

**The Priscilla P. Fischer 1994 Trust – “Flat Point Farm”**

**Conditions Offered to Martha’s Vineyard Commission DRI 34-M5**

**January 31, 2024**

**No Further Subdivision**

The Applicant proposes that the 13 residential lots on the 109 acre Flat Point Farm will not be further subdivided; however, these lots may be subdivided for the purpose of adjusting lots lines between abutting residential parcels or for agricultural or conservation purposes.

Note that all the residential lots are under 6 acres in size of useable area (West Tisbury Zoning Bylaw Section 4.2-2.A.3.\*) and so cannot be further subdivided into new additional residential lots as the entire property is subject to three acre zoning.

The 34.90 acre “Agricultural Preservation Parcel” at the north of the subdivision, which is leased to the Martha’s Vineyard Land Bank, cannot be further subdivided under the terms of the Agricultural Preservation Restriction and Easement granted to the Land Bank and dated September 29, 2023 recorded with Dukes County Registry of Deeds in Book 1665, Page 621.

The 25.54 acre “Agricultural Preservation Restriction” farm parcel at the south of the subdivision by Tisbury Great Pond cannot be further subdivided under the terms of the Agricultural Preservation Restriction and Easement granted to the Land Bank dated July 10, 2013 recorded with Dukes County Registry of Deeds in Book 1329, Page 350 and a Conservation Restriction and Easement dated September 13, 2013 recorded with Dukes County Registry of Deeds in Book 1329, Page 375.

60 acres of the 109 acres of Flat Point Farm are now permanently restricted to agricultural use.

\*Note: West Tisbury Zoning Bylaw Section 4.2-2.A.3. provides:

“A. Requirements for Lot Area Calculations

For lots endorsed by the Planning Board after March 22, 1989, the following standards shall apply in calculating minimum lot area: ...

3. For lots in all zoning districts, no part of a public or private way may be included in the lot area required for zoning compliance.”

**Compliance with MVC Water Quality Management Policy for Tisbury Great Pond**

**A. Bedrooms**

Vineyard Land Surveying and Engineering has submitted a Nitrogen Loading Summary dated October 27, 2023. It shows an allowable nitrogen load of 108.37 Kg/yr. and a proposed production of 85.0266 Kg/yr.

The Nitrogen Loading Summary has been reviewed by MVC staff.

The Nitrogen Loading Summary shows that the proposal for Flat Point Farm is 78.4629% of the allowable amount under MVC Policy.

As to bedrooms, the Applicant proposes not more than six bedrooms in homes on Lots A, C, D, 4A, 4B, 4C, 4D, 5A, 5B, 5C, and 5D.

The Applicant proposes not more than eight bedrooms each on Lots B and E. It is up to the owners of Lots B and E as to how many bedrooms are allocated between the house and a guest house, if one is built. Note that guesthouses of 1,000 sq. ft. are allowed under West Tisbury Zoning on Lots B and E, as they are over 4.5 acres and under 6 acres in size.

This sets a total of 82 bedrooms on the 109 acres of the Flat Point Farm property.

In the event that the Applicant, or the Applicant's heirs or successors, desires to increase the number of bedrooms on any of the 13 residential lots, the Commission shall be notified in writing who shall submit the necessary information for review by the Land Use Planning Committee. LUPC shall determine whether modification review is required by the Applicant to address compliance with the Commission's Water Quality Management Policy in effect at the time.

#### **B. Septic Systems**

The Applicant proposes that any new septic systems on the 13 residential lots will require enhanced septic systems approved for general use in Massachusetts for nitrogen removal (such as the FAST systems).

The Applicant proposes that any upgraded septic systems to provide for additional bedrooms to the presently existing septic systems serving the six existing residences on Flat Point Farm serving 22 bedrooms will require enhanced septic systems approved for general use in Massachusetts for nitrogen removal (such as the FAST systems).

#### **C. Changes to Farming Practices**

The Applicant has submitted a Farm Description and Nitrogen Mitigation report dated October 31, 2023 as a part of the Nitrogen Loading Report by Vineyard Land Surveying. The current farm management and operation meets Best Management Practices for agricultural use.

If farming practices are changed from the descriptions given in the Nitrogen Loading Report and the Farm Description and Nitrogen Mitigation report dated October 31, 2023 and they do not meet Best Management Practice for agriculture, the Commission shall be notified in writing by the Applicant, or the Applicant's heirs or successors, who shall submit the necessary information for review by the Land Use Planning Committee. LUPC shall determine whether modification review is required by the Applicant to address compliance with the Commission's Water Quality Management Policy in effect at the time.