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Martha's Vineyard Commission

Land Use Planning Committee

Minutes of the Meeting of January 9, 2006

Held in the Stone Building, New York Avenue, Oak Bluffs.

Commissioners Present: LUPC Chairperson Christina Brown, Ned Orleans, Kathy Newman, Mimi Davisson, Deborah Pigeon, Megan Ottens-Sargent, and John Best (6:05);

MVC Staff Present: Mark London, Paul Foley, Bill Wilcox

1. Red Gate Farm Estate Plan (DRI 589) Pre-Public Hearing Review

Present for the Applicant: Doug Hoehn, Dick Renehan (lawyer)

Town: Camille Rose (Aquinnah Planning Board) and Sarah Thulin (Conservation Commission)

Project Location: Moshup's Trail, Maps 11-14 many lots, Aquinnah, MA.

Proposal: Estate plan for 366 acres in Aquinnah.

Chairman Brown opened the meeting at 5:39 pm.

Discussion

- Aquinnah Zoning and Planning Oversight
 - (also see AQ P.B. Handout)
 - Form A was approved by the Planning Board. They still have to look at roads, access, accuracy of lines, etc. They did not inquire re: development envelopes.
 - Aquinnah has a by-law that limits developments within 200 feet of wetlands and dunes to marine commercial and fishing related uses only. ZBA and ConCom both look at those areas (virtually all of Aquinnah).
 - A Special Permit is needed for footprints over 2000 s.f. (for entire lot).
 - Aquinnah has a building cap of 6 houses a year throughout town.
 - If you cut a certain amount of trees, you need a special permit.
 - All developments go through archaeological review.
 - The Con Com will have jurisdiction in much of the building envelopes noted on the plans.
 - Have not looked at soils suitability yet.
 - Parts of the site are within both the Moshup's Trail and Coastal DCPC.
 - 10 of the 15 building envelopes come under Town Special Permit process.
 - Approximately 15% of entire 366-acre property will be within the building envelopes (in other words 85% no-build).
 - Any future division would have to come back to MVC

- The town looks at all these different levels during development which, by the way, is probably not going to happen for a long time.
- Aquinnah does not allow fertilization or 10,000 ft of lawn.
- New developments require a landscaping plan prior to approval at both PB and Con Com.
- Aquinnah In process of codifying lawn guideline.

Issues

• Building Envelopes

- The Applicant's attorney noted that they are not asking for approval of building envelopes. Just looking at it for internal planning purposes.
- Some felt that we need a plan that is clearly the Plan for this purpose. Would like to see the building envelopes denoted as the way they will be.
- Someone joked that regulations don't get any easier, maybe they should put them in stone.
- Why not speak in terms of a percentage?
- What the owner would say is based on this plan, why do you have to go further? Keep in mind that this is an estate plan, not a development plan.

• Alternative Development

- There was a question about an earlier subdivision.
- At the time when Jacqueline Kennedy bought the property, there had been two subdivisions that were valid at the time. One of 153 lots and another of 50+ lots. The status is unknown but with the current regulations it would be difficult for anyone to do them. The Applicant's Attorney replied "We are not planning on exercising those." (CB Just want to lay them to rest. DR offers a letter laying them to rest.)
- A Commissioner said his concern is density. Although the Town has strict limitations today, a Board can change and in 10-20 years conceivably they could get special permits that would add up over time.
- We have to think about the distant future. Has no doubts about the intentions of the applicant, but what may be true today and the near future, we have no assurances that in the future it will remain so.
- We should make an attempt to de-personalize this. The MVC is making a land use decision. The question we should ask is what would could happen if one of those big lots is sold in 25-50 years.
- One would like to see a plan that if there were any changes then it would have to come back to MVC for modification. Would like to see a threshold such as number of dwellings, etc that would send it back to the MVC.
- A Town representative noted that they couldn't imagine any trend toward more liberal land use regulation in Aquinnah. At a certain point you have to work in good faith that the intentions will be honored.

- If you are looking at the distant future maybe you should include something in your conditions that triggers referral back to the MVC.
- This is enlightened private development that protects the environment by design.

- **Environmental Assessment**

- At the first LUPC, Commissioners had requested a more detailed contour and wetlands map.
- The Applicant brought Doug Cooper, an environmental consultant asked to flag wetlands and to assess the habitat on property. (Cooper Environmental) Most of his work is in Govt. Was an environmental planner in Reg Planning and State DEP. Wife is a biologist.
- Assessment is a general overview of the site. Not looking at specifics. Used resource maps available.
- He would have to spend the rest of his adult life trying to map all of the wetlands on this site.
- He used aerial photos and field checked questionable areas.
- Habitat Assessment – participated with LandVest and SBH to look for least intrusive, sensitive areas.
- At the time of development, a more specific site assessment should take place.
- The entire site is listed as priority habitat. The peril of looking for a specific species is that they are transitory. This site is so large and diverse that it is likely that there will be species here. Thus he advised large bldg envelopes with flexibility within.
- The MVC Open Space guidelines ask for 80% protected open space in the most suitable areas.
- Are there any ancient ways or common trails on this property?
- NHESP (The Natural Heritage and Endangered Species Program of the State) - The Applicant's Agent said and Staff confirmed that the NHESP would look at the project if and when development was planned. Since this is an Estate Plan and not a development plan they are not triggered.

- **Water Resources**

- Bill Wilcox, Water Resources Planner (Also see BW Handout)
- Squibnocket is nitrogen sensitive, eutrophic pond. The problem arises almost completely from acid rain and poor circulation.
- 1300 acre watershed, pond is 300 acres. 101 dwellings in watershed.
- Low-end build-out projections done in 2002 by the MVC projected 302 dwellings in watershed, 65 attributed to this parcel (MVC 2002).
- BW ran through numbers for this proposal based on 8 houses, 7 being seasonal and 1 year-round using standard population rates.
- If denitrified would lower loading to about 26 kilo/acre/yr.
- Using 22.6-kilo/acre/yr number is roughly within 4% (See Handout).
- The Applicant's agent said the only way to get all of the information is through the Mass Estuaries Project. He noted, however that if you do the math, the nitrogen

coming in from the Kennedy property is minimal. They will make some contribution to Aquinnah's share of the study.

- They will put in de-nitrification.

Offers

- **Lots 1 and 6** - If sold outside the family they will have a condition that will limit them to no further subdivision.
- **Affordable Housing** - While they are not required to by the MVC affordable housing policy to contribute at this time, they will make a \$100,000 donation to the Aquinnah Housing Committee.
- **Wastewater** - The only way to get all of the information is through the Mass Estuaries Project. However you do the math the nitrogen coming in from the Kennedy property is minimal. We will put in de-nitrification. Will make some contribution to Aquinnah's share of the study and will live with the results. Then at least we are dealing with hard facts. This offer is still a work in progress. Would like to see more than 10,000 sf minimum lawn.
- **Old Subdivisions** - Offers a letter laying the old subdivisions permanently to rest

Correspondence

- VCS and SM have submitted letters.

Adjourned 7:00 - Public Hearing is set for Thursday February 2, 2006