



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

Martha's Vineyard Commission
Land Use Planning Committee
Draft Minutes of the Meeting of February 13, 2006
Held in the Stone Building, New York Avenue, Oak Bluffs.

Commissioners Present: LUPC Chairperson Christina Brown, Ned Orleans, and John Breckenridge, Jim Athearn, Deborah Pigeon, John Best (5:48);

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

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

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

Town: 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.

Correspondence

We received two letters since the close of the oral part of the hearing:

- Richard Renehan (Lawyer for Applicant)
 - "While our consultant still believes that this envelope is viable, we will rely for Lot 6 exclusively on the upper building envelope."
 - "In the event that four houses, including guest houses, are constructed on any of lots 1,3,4,5, or 6, the lot in question shall be referred back to the Commission before the construction of any additional homes on that lot."
- Megan Ottens-Sargent (MVC Commissioner, Aquinnah)
 - The entire Red Gate Farm is within the Coastal District DCPC
 - Coastal District regulations say that there are 100' and 200' setbacks for landscape features such as wetlands, water bodies, beaches, dunes, or the crest of bluffs over 15 feet high.
 - Within 100' a special permit may only be granted for a fishing related marine commercial structure.
 - Megan was on Planning Board for 10 years and chaired it for 6 or 7 years.
 - Megan thinks there are applications for developments within the 100' Coastal District setbacks that are not marine commercial that have been permitted.

Affordable Housing

- The Commissioners discussed how the project would conform to the Commission's Affordable Housing Policy, which calls for the donation of one affordable housing lot for every ten residences permitted as a result of a subdivision. According to the Applicant's latest offer, there could be 23 or more residences built on the property (four each for lots

1, 3, 4, 5, and 6 and no limit on the homestead lot, which already has 3 residences). This would normally call for two affordable housing lots. However, there is no trigger to bring the development back to the Commission for implementation of this policy.

- Various options were considered:
 - Requiring the whole development to come back to the Commission when it reaches the tenth residence,
 - Building into the decision a mechanism whereby an affordable housing contribution can be made if and when the development reaches the tenth, and twentieth house.

It was noted that:

- The applicant could be given credit for the \$100,000 voluntary contribution being made now, the value of which will be greater since it will inflate over the years until the trigger (the tenth house) is reached in the future.
- Because we are dependent on permit granting authorities in town, there is a good chance that in twenty, thirty years it might not be sent back here.
- Putting some specific threshold on or about the tenth house, putting numbers and requirements on it now may be not so clear-cut in 10-20 years.
- AH policy may be different in 10-20 years but we make the decisions based on existing policy.
- There is a huge amount of unbuildable land on this property. We are not getting any specific assurance on this at this time. We are not getting into siting and environmental issues because there are no building plans at this time.
- If we want it to come back to the MVC at some point we should not do it based on whether any rules or policies are going to be better or worse.
- In reference to the ten dwelling units - this project is different from that, which is why the applicant's donated \$100,000 without having to. There is no timetable for the members of this family compound to build. What you are doing is making it so that one of the kids in 25 years will become responsible for the AH policy, donating a lot
- You have five lots outside the homestead. If you come back here after two houses are built on each of the new lots. What you are doing now is creating a race to the ninth house. What you are saying is that you can only have so many houses - then you are going to get McMansions.
- What is the point of the AH Policy? To house the people that take care of the property.
- Let the children work it out amongst themselves.
- Logistically it becomes difficult when it may be grandchildren who are trying to figure it out.

2.2 Development Limit For Further MVC Review

It was felt to be desirable to leave a certain amount of development up to town board review, but to have a trigger that would bring the project back to the Commission if development exceeded a certain level, so that issues such as habitat protection and water quality in Squibnocket Pond,

could be re-evaluated in light of the conditions and state of knowledge at that time in the future. Options discussed included:

- Bringing it back for full review at the time of construction of the tenth house. This would correspond to the threshold for the affordable housing contribution as well as the threshold for MVC review of new developments.
- Allowing two residences for each of the new parcels, and a larger number for the homestead lot, given that it is 100 acres.

Staff was asked to prepare possible wording for these options.

Discussion

- Setbacks - Nothing can be done within 100' of wetlands, you need special permit for any proposals between 100' and 200'.
- Considering that this could have been subdivided into many more and smaller lots with several houses, guest rooms, a barn...at what point do you start to get concerned that this is a regional development.
- The review that would come with a tenth house. At this point we are not requiring a survey of every dune. We do not know what the carrying capacity of this property is.
- Clarifying roads. The only development area that would possibly require a new road would be one on Lot 5. One area is accessible from existing road, if someone decided to build on the other one it would need a new curb cut off of Moshup's Trail.
- Why is Lot 2 being excluded from offers? Because it's 100 acres with three houses already, one of which is for the caretaker.

CB: Going to reschedule continuing this in three weeks, March 6, 2006.

Adjourned 7:00 -