

LAW OFFICES
ERIC L. PETERS
(508) 693-8830
Telecopier (508) 693-8830

Street Address:
3 MARINER'S LANDING
EDGARTOWN, MA 02539

Mailing Address:
POST OFFICE BOX 1117
EDGARTOWN, MA 02539

September 29, 2021

Alex Elvin, DRI Coordinator
Martha's Vineyard Commission
The Olde Stone Building
33 New York Avenue
Oak Bluffs, MA 02557

By Email

Re: **Lagoon Ridge Subdivision DRI 464-M3**

Dear Alex:

Following up on our discussion last Friday, CapeBuilt Lagoon Ridge, LLC, the new owner of the Lagoon Ridge Subdivision, requests that LUPC review and approve the "phasing plan" for the subdivision as required by Condition 2.3 of the MVC Decision.

I have previously sent to you (i) the final approved subdivision plan of Lagoon Ridge, recorded in 2018, (ii) the Special Permit issued to Lagoon Ridge LLC in April 2018 by the Oak Bluffs Planning Board, (iii) the Extension of that Permit issued to Lagoon Ridge LLC by the Oak Bluffs Planning Board in February 2021, and (iv) the Modification of the Special Permit issued by the Oak Bluffs Planning Board to CapeBuilt Partners, LLC in February 2021.

The MVC has previously extended its Decision in October 2018 and again in November 2020.

The Modification of the Special Permit amended Conditions 10, 11, and 12 of the original Special Permit.

These amendments address affordable housing at Condition 10, "fifty-five and over" units/lots at Condition 11, and the "phased development or "build out"

Note that a part of the modification requested by Cape/Built and approved by the Planning Board was making one of the "fifty-five and over" units also affordable. Accordingly, there will be two duplexes in Cluster C of the subdivision that are affordable, one of the units also being "fifty-five and over."

The Planning Board in its original Special Permit Decision also required the reconfiguration of Cluster C to have a 50 foot buffer of open space between the lots and abutting properties. The plan was revised after the April 2018 Decision and approved by the Planning Board in August 2018.

My client believes that these modification to the Special Permit and the remaining provisions of the original Special Permit fully address the provisions of Section 2.3 of the MVC Decision, which states:

2.3 The applicant shall submit a phasing plan to the MVC Land Use Planning Committee for review and approval prior to the issuance of any building permit. Phased Development Plan shall include when lots and units will be developed. The Phased Development Plan shall demonstrate that mechanisms are in place to meet both the MVC policies and town zoning requirements concerning nitrogen loading limits, affordable housing, open space and all other conditions and offers related to this project.

Can you please schedule this for review at the LUPC meeting on October 4.

As mentioned last week, we will be working on submitting additional requests for approval from the LUPC and the Executive Director as provided in the MVC Decision.

Please let me know if you require any additional information.

Sincerely,



Eric. L. Peters

Enclosure

cc: CapeBuilt Lagoon Ridge, LLC (by email)