Lagoon Ridge Subdivision phasing plan
DRI 464-M3

Land Use Planning Committee
October 4, 2021
Lagoon Ridge Subdivision phasing plan

**Owner/applicant:** CapeBuilt Lagoon Ridge LLC (Eric Peters, agent)

**Location:** Land off Barnes and Double Ox Roads, Oak Bluffs

*Decision filed 6/16/16*

*Items returning to LUPC for approval:*

*Project phasing plan (Condition 2.3)*
Cluster B
Updates since 2016

- Planning Board Special Permit issued and revised in 2018 (included reconfiguration of Cluster C to have a 50 ft buffer of open space)
- MVC extensions granted in 2019 and 2020 (now valid through Nov. 5, 2024)
- Special Permit conditions 10, 11, and 12 amended in February 2021
  - Affordable units increased from 3 to 4, located on 2 lots in Cluster C as duplex units
  - The additional unit further restricted as one of the six units for occupancy by people 55 and older
  - Phasing plan (Cluster C → Cluster B → Cluster A)
MVC Condition 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. The 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.
Submittal

• Final approved Form C subdivision plan (2018)
• Planning Board Special Permit (2018)
• Special Permit modification (2021)
Phasing plan (Special Permit modification)

a. Once the Special Permit is final and the Applicant has complied with Conditions 1-11 [includes compliance with MVC conditions], the Applicant may proceed to sell, transfer, and/or develop:

   i)  the two (2) lots (four (4) units) dedicated to the Affordable Units (all four (4) units being in the two (2) duplexes and one (1) of the four (4) units being further restricted as an Over 55 Dwelling Unit);

   ii) the remaining five (5) lots dedicated to the Over 55 Dwelling Units; and

   iii) the eight (8) additional lots in Cluster C.

Under this condition, the fifteen (15) lots (seventeen (17) Dwelling Units) comprising Cluster C are released immediately for sale, transfer, and/or development after Conditions 1-11 are satisfied.
Once occupancy permits are issued for fifteen (15) Dwelling Units within Cluster C (which must include the four (4) Affordable Units) – but in no event before twelve (12) months have passed after the date on which the first building permit is issued for a Dwelling Unit in Cluster C – the applicant may then proceed to develop the four (4) lots comprising Cluster B. The Applicant may sell or transfer any of the four (4) lots comprising Cluster B and/or any of the four (4) lots comprising Cluster A during the 12-month period referenced in the preceding sentence; however, no building permits shall be issued for Dwelling Units on lots within Cluster B until occupancy permits are issued for at least fifteen (15) Dweling Units within Cluster C (which must include the four (4) Affordable Units).
c. Once occupancy permits are issued for three (3) Dwelling Units within Cluster B – but in no event before twelve (12) months have passed after the date on which the first building permit is issued for a Dwelling Unit in Cluster B – the Applicant may then proceed to develop the four (4) lots comprising Cluster A. The Applicant may sell or transfer any of the four (4) lots comprising Cluster A during the 12-month period referenced in the preceding sentence; however, no building permits shall be issued for Dwelling Units on lots within Cluster A until occupancy permits are issued for at least three (3) Dwelling Units within Cluster B.
Summary

Before Cluster C can be developed:

• Compliance with all Special Permit conditions 1-11
  • Wastewater systems approved by BOH, project will include IA system
  • Compliance with all MVC conditions (wastewater, housing, etc.)
  • “Preserved open space” to be conveyed to homeowners’ association, and other provisions
  • “Open space with deed restriction” to be placed under a conservation restriction, and other provisions
  • Application subject to DCHD approval; requirements for income restrictions, marketing, deeds, etc.
  • Proof of deed restriction for over-55 lots, and other provisions
Summary

Before Cluster B can be developed:
• Occupancy permits issued for 15 units in Cluster C
• 12 months’ time from first building permit for Cluster C
Summary

Before Cluster A can be developed:

• Occupancy permits issued for 3 units in Cluster B
• 12 months’ time from first building permit for Cluster B