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## **Martha's Vineyard Commission**

### **DRI # 584 Cozy Hearth Corporation MVC Staff Report – 5/17/05**

#### **1. DESCRIPTION**

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- 1.1 Applicant:** Cozy Hearth Community Corp., William Bennett
- 1.2 Project Location:** Watcha Path Road, Edgartown Map 25, Lots 10.1 (3 acres), 10.2 (3.5 acres), and 10.3 (4.4 acres). 10.9 acres total.
- 1.3 Proposal:** To subdivide 3 lots (10.9 acres) into 11 one-acre lots in three-acre zoning through 40B.
- 1.4 Zoning:** RA-120 – Residential: Minimum Lot Size of 3 acres, 50' Front Setback, 30' Rear and Side Setback. However, the project is an application for a Comprehensive Permit pursuant to M.G.L. chapter 40B, Sec. 20-23.
- 1.5 Surrounding Land Uses:** Residential, woodlots, not far from the Transfer Station.
- 1.6 Project History:** The Cozy Hearth Community Corporation is a non-profit organization formed in May 2002. The articles of organization for the corporation state that the purpose of Cozy Hearth is: To deal with real property for the purpose of creating a community containing affordable housing which qualifies under a state or federal housing subsidy program, to own and maintain common areas and facilities in the community, and to undertake all other activities authorized or permitted by law. The corporation is composed of a group of people who intend to live in the subdivision, several of whom work in the same company. The applicant anticipates that the housing will be subsidized under the Federal Home Loan Bank of Boston's New England Find (NEF) Program as well or through privately contributed funds through the Island Affordable Housing Fund. The land upon which the project is proposed is scrub oak. Cozy Hearth purchased it in 2002.
- 1.7 Project Summary:** The applicants would like to subdivide 3 lots (10.9 acres) into 11 one-acre lots in three-acre zoning through 40B. They are proposing three lots with houses to be available for families earning less than 80% Average Median Income (AMI), one lot for a family earning less than 100% AMI, four lots for families earning less than 140% AMI, and three lots at market rate. The three lots at 80% AMI will have houses built upon them and will be offered at lottery to residents of Edgartown. Members of the Cozy Hearth Corporation will own the remainder of the lots.

#### **2. ADMINISTRATIVE SUMMARY**

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- 2.1 DRI Referral:** Edgartown ZBA
- 2.2 DRI Trigger:** 3.202, subdivision of 10 or more lots; 3.401a, creation of 10 or more dwelling units.
- 2.3 Pre-Application meeting with staff:** Thursday January 20, 2005
- 2.4 LUPC:** Monday February 7, 2005 at 6:00 pm.
- 2.5 Site visits:** May 9, 2005
- 2.6 Public Hearing:** May 19, 2005

### 3. PLANNING CONCERNS

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#### 3.1 **Some Key Issues**

- Can the intersection of Watcha Path and Edgartown-West Tisbury Road handle the increase in traffic?
- Can the property accommodate the water and wastewater needs of the development?
- How would the increase in intensity of use affect the neighborhood?
- Is this a vital habitat area?

#### 3.2 **Environment**

- **Vegetation:** Presently the property is scrub oak surrounded by rural residential lots.
- **Habitat:** There is a Sheriff's Meadow property within a quarter-mile that has three listed species. The site is within Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program Priority Habitat 1730. The Applicant has sent the NHESP project plans for their review. NHESP should have a statement by the time of the Public Hearing.
- **Water:** The applicant's are proposing individual wells for each house lot. The project site is located on the outwash plain at an elevation of approximately 40 feet. Groundwater should be at a depth of about 30 feet below grade. The soil types in the area are Carver loamy coarse soil that is droughty and excessively well drained and Riverhead sandy loam, a prime agricultural soil that is well drained.
- **Wastewater / Stormwater:**
  - The project site is located within the Oyster Pond watershed. It's limit is probably similar to that determined for both Edgartown Great Pond and Tisbury Great Pond, adjusted by size. This approach to estimating the nitrogen load tolerance should be taken as a rough guidance number. If applied to Oyster Pond (207 acres), the limit for the watershed is about 3,600 kilograms. The nitrogen load limit per acre of watershed is 1.4 kilograms. The load allocation for a 10.9-acre parcel is therefore 15.3 kilograms per year.
  - In the year-round scenario using a standard Title V system the project would contribute 5.5 kg/acre (without lawn), 5.8 kg/acre (with 1,000 sf turf/acre), and 6.2 kg/acre (with the neighborhood average lawn).
  - With nitrogen reduction (to 54%) and lawn reduction (to 1,000 sf/lot), the project would contribute 3.3 kg/acre.
  - The applicants asked to compare the project with what could happen on the three lots were they to be developed in accordance with standard regulations. Assuming 3 houses and 3 guesthouses occupied on a year-round basis with the neighborhood average lawn per lot and using a standard Title V system the load would be 3.2 kg/acre.
  - 3 houses and 3 guesthouses occupied on a year-round basis with an average lawn employing nitrogen reduction would contribute 1.8 kg/acre.

### 3.3 **Transportation**

- **Access:** The project would be accessed from Watcha Path off of Edgartown-West Tisbury Road. An access road is proposed to run along the northern border of the property, setback 15' from the property boundary.
- **Parking:** The applicant's are proposing shared driveways for the lots that would result in there being five driveways off of the access road.
- **Traffic Summary:**
  - Watcha Path Road is a 12–13.5 feet wide unpaved road, privately owned and maintained by the Watcha Path/Jennie Lane/Watcha Lane Road Assoc.
  - The project is estimated to generate 110 daily trips, with a total of 16 trips during the peak hours.
  - The additional traffic will increase the volume on Watcha Path Road by 65%, currently the road has an average daily traffic of 168 vehicles (168 to 278).
  - The Level of Service at the study intersections during the peak season will not be changed due to the additional traffic. The Barnes Road/Edgartown – West Tisbury Road Intersection currently operates at Level of Service (LOS) F during the peak season and theoretically intersections operating with LOS F should not be subject to additional traffic. However, this has to be balanced against the other benefits and detriments of the project and the community's general desire to accommodate some development while not modifying the road network.
  - Although there hasn't been an accident analysis done in the traffic impact study, the accident summary submitted for the Barnes Road/Edgartown-West Tisbury Road intersection indicates that there is a high accident rate.
  - The intersection of Edgartown – West Tisbury Road/Watcha Path Road/Oyster Watcha Road has sight distance and design deficiencies.
  - The applicant has suggested mitigating traffic by promoting car pooling, improving signage, participating in the road association, and working with them to address sight line deficiencies at the intersection of Watcha Path and Oyster Watcha Road.

### 3.4 **Economic Development**

- **Affordable Housing:** Of the 11 lots, 3 are proposed to be a lot and house for families earning less than 80% Average Median Income (AMI) chosen by lottery. The remaining 8 lots are intended for members of the Cozy Hearth Community Organization. The three houses and lots that go to lottery will be affordable in perpetuity. The 8 lots that go to members of Cozy Hearth will have resale restrictions for 30 years as follows: 1 @ 130% AMI, 4 @ 150% AMI, 3 unrestricted.
- According to the housing suitability analysis criteria in the Edgartown Community Development Plan the site is not optimal because it is not served by municipal services and is in a nitrogen sensitive watershed. However it was also noted in the Plan that affordable housing would likely occur due to opportunities that are presented regardless of the location.

### 3.5 **Scenic Values**

- **Streetscape:** The project will not be visible from Edgartown – West Tisbury road.
- **Building Massing:** The applicant has proposed a revised cluster plan.
- **Architectural Detailing:** The proposal is for three modular homes to be built on the three lots proposed for families earning less than 80% AMI. There was some talk at the Staff/Applicant meeting of the potential for design guidelines for the rest.

### 3.6 **Local Impact/Abutters**

- Several abutters have called, come in, and written letters opposed to the project so far. Their main objections include the proposal for one-acre zoning in a three-acre zone, the increase in traffic on Watcha Path, increased nitrogen loading in Oyster-Watcha Pond, and the effect on their land value.

## 4. **CORRESPONDENCE**

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**4.1 Town Officials:** Edgartown Resident Home Site Committee wrote that while they endorse the concept of providing affordable housing to 8 island families, they cannot officially act upon this proposal because it does not meet the purpose, goal or intent of the program at this time, of providing home sites for residents of Edgartown.

**4.2 Public:** Gunner and Kristen Lamb of Jennie Lane have written in opposition primarily due to the zoning and the affects increased density will have on privacy. Jonathan Spalter also of Jennie Lane wrote in opposition citing noise, the environment, zoning, traffic and personal financial impact . Karen Hannigan of Jennie Lane is concerned with the increased density, change of character to the neighborhood, increased traffic at the intersection of Watcha Path and Edg-WT Road, and the circumvention of 3-acre zoning among other issues. William and Betty Kennedy wrote in opposition based on zoning, environment, and in their view this is an inappropriate 40B. Geoff Patterson of Watcha Path wrote in opposition based on zoning, water quality, environment and open space, noise, inappropriate 40B, and traffic. David and Cheryl Mance wrote in opposition based on ground water, traffic and neighborhood character. They feel the added traffic will bring the road to the breaking point and that the applicant should therefore pave the road up to their entrance. They also feel that the Town must have zoned this area 3-acres based upon the distance to sewer treatment. All letters will be included in the Commissioners packets at the Public Hearing.