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Martha's Vineyard Commission

DRI 755 Pimpneymouse Farm Subdivision

Updated Staff Report – 2024-5-9

1. DESCRIPTION

- 1.1 **Owner:** Welch Chappaquiddick Trust
- 1.2 **Applicant:** Stephen Potter and family members
- 1.3 **Applicant's Agent:** Surveyor Doug Hoehn of Schofield, Barbini, & Hoehn
- 1.4 **Applicant's Agent:** Engineer Chris Alley of Schofield, Barbini, & Hoehn
- 1.5 **Project Location:** Edgartown: Island of Chappaquiddick: 5, 15 & 16 Pimpneymouse Lane; Pocha Road; 279 Chappaquiddick Road; Grove Ave; 9 & 12 Willet Lane; 36 & 40 Dike Bridge Road.
- 1.6 **Proposal:** The establishment, alteration and transferal of lots on a longstanding Chappaquiddick farm. The project includes the dissolution of some registered land, the creation of large conservation parcels, the creation of a buildable lot, the reconfiguration of another buildable lot, and lot line adjustments on a farm of approximately 217 acres. A number of preexisting homes and farm structures would remain after large portions of the farm are transferred to the Martha's Vineyard Land Bank and Sheriff's Meadow Foundation. The project also includes restrictions on further subdivision.
- 1.7 **Zoning:** Pending
- 1.8 **Local Permits/Reviews:** Edgartown Fire Department, Edgartown Board of Health, Edgartown Planning Board.
- 1.9 **State Permits/Reviews:** Executive Office of Energy and Environmental Affairs, Natural Heritage and Endangered Species Program
- 1.10 **Surrounding Land Uses:** To the Northwest, the subdivision site fronts Chappaquiddick Road. To the Northeast, the subdivision site abuts several private parcels and parcels owned by the Trustees of the Reservations and also fronts Dike Bridge Road. To the East, the subdivision site fronts Poucha Pond. To the South, the subdivision site abuts the Land Bank's 154.7 Poucha Pond Reservation and fronts Poucha Pond. To the Southwest, the subdivision site abuts the Land Bank's 154.7 Poucha Pond Reservation and multiple private parcels. North of Chappaquiddick Road, the subdivision site abuts Land Bank property, private parcels, and Town of Edgartown property (Chappaquiddick Fire Station). North of Chappaquiddick Road, the subdivision site fronts Chappaquiddick Road in two locations. At Willett Lane, a boat landing parcel North of Chappaquiddick Road and Dike Bridge Road, the subdivision site fronts Chappaquiddick Road, Dike Bridge Road, and Willett Lane. An associated access road to Cape Pogue Bay abuts private parcels. At the terminus of the access road, the boat landing parcel abuts private parcels and fronts Cape Pogue Bay.
- 1.11 **Project History:** "Originally purchased in 1928 by Charles A. Welch," the Applicant states, "Pimpneymouse Farm has remained under family ownership for nearly 100 years, spanning five generations. The property consists of multiple assessors' parcels supporting residences, multiple out-buildings and structures, and associated agricultural, forestry and open space activities. Mr. Welch, his wife Ruth and their three daughters, Ruth Welch, Edo Potter, and Hope Slater, spent much of their time farming, caring for, and living on Pimpneymouse Farm

and were active members of the [I]sland community. Now, with Ruth, Edo, and Hope's passing, the property is set to be distributed to their eight heirs as co-owners. To enable continued ownership by a subset of the Welch daughters' descendants and to accommodate other family members whose circumstances do not allow for continued participation in Pimpneymouse Farm, the family has invested substantial effort in a family planning exercise to develop a plan that substantially preserves the property in its current state while accomplishing the family's needs for current and future generations."

1.12 Project Summary: Per the Applicant's narrative descriptions:

- Approximately 170 acres of open space, agriculture, forest, and marsh land will be preserved, maintained, and managed in its existing state including continued agricultural use enabled through a transaction with the Martha's Vineyard Land Bank and Sheriff's Meadow... Importantly, this effort is supported by a Landscape Partnership Grant from the State of Massachusetts based on the environmental significance of protecting the property, as well as significant financial support (through Sherriff's Meadow) by the Chappaquiddick and Vineyard communities.
- In addition, another 26 acres..., representing the land encompassing the existing homes, barns, and outbuildings, will be distributed to a subset of family members. To enable this generational transfer, the Pimpneymouse Farm Family Plan involves lot line revisions along historical usage patterns which facilitate equitable division of property among the current generation. It is these lots line revisions, as well as the delineation of land intended for conservation, which necessitate the need for subdivision and the corresponding Planning Board and Martha's Vineyard Commission approvals.
- Importantly, each of the family-owned lots created around existing structures will include covenants that preclude future subdivision meaning no additional impact to the environment or expansion beyond historical activity. As a result, this acreage will also be preserved substantially as it is today and supports an additional 10 acres of open space and forest land beyond existing zoning requirements.
- 11 acres..., out of the approximately 216 acres encompassing the Pimpneymouse Farm Family Plan, will be set aside for two future building lots, whose subdivision potential is also restricted, to provide for the future needs of family members who are retaining ownership. Of note, these two lots are offset by five existing lots (20 acres) with potential for build-out that are being placed in permanent conservation.
- 4 acres encompassing the Pimpneymouse Farm driveway will remain in its current state to support continuation of activities consistent with historic use and to serve the needs of the existing dwellings.
- Finally, 9 acres adjacent to the important Cape Pogue Pond watershed will remain protected in its current state...with continued ownership of the remaining family members.
- "The proposed plan is the result of years of discussion and planning among the multiple generations of Welch descendants, each with different goals, family situations, and priorities for the property and themselves," the Applicant states. "When considered in its entirety, nearly 200 acres (including remaining open space where lot lines are revised) will be protected substantially as is today with the prospect of only 2 additional housing sites in the future. This equates to approximately 95% of the property sustained in its current state providing substantial long-term community, agricultural, open space, and environmental benefits. It also honors the legacy of conservation shared by the Potter and Slater families, but

especially by Edo Potter who did so much to promote the preservation of Chappaquiddick as well as broader conservation initiatives across the entire island of Martha's Vineyard."

2. ADMINISTRATIVE SUMMARY

- 2.1 **DRI Referral:** Edgartown Planning Board
- 2.2 **DRI Triggers:** Division of 30 or more acres, division of farmland, and division of significant habitat.
- 2.3 **LUPC:** Slated April 1, 2024.
- 2.4 **Full Commission:** Slated May 2, 2024

3. PLANNING CONCERNS

3.1 Wastewater

- Nitrogen Calculations have been generated as follows:
- Total Perimeter Land Area = 208.9 acres
MVC WQMP Adjusted Nitrogen Load Limit (Poucha Pond) = 6.31 kgN/ac/yr
(A portion of the 208.9 acres is within the Cape Poge watershed which has an adjusted nitrogen load limit of 55.76 kg N/ac/yr - did not use this)
MVC WQMP Maximum Nitrogen Load for 208.9 acres= 1,318 kg/N/yr
- **7 Residential Lots (5 built on, 2 vacant)** Standard Title V Nitrogen Contribution =
185.5 gal/day x 365 days = 67,700 gal/year
67,700 gal/year x 90% leach rate x 3.785 lit/gal x 26.25 mg/l N/1,000,000= 6.05 kg/yr/dwelling
7 Residential Lots x 2 dwellings per lot = 14 dwellings maximum potentially 14 dwellings x 6.05 kg/yr/dwelling **84.7 kg N/yr**
- **Impervious Surfaces (roofs, patios, covered porches)**
3,000 sf / lot x7 = 21,000 sf
MVC WQMP Formula:
21,000 sf x 46.9 inches annual precip / 12 inches per foot x 90% leaching rate x 28.3 liters/cu ft x 0.38 mg/liter N/ 1,000,000
0.79 kg N/yr
- **Pervious Surfaces (driveways, dirt roads, etc.)**
20,000 sf subdivision dirt road / 2,000 sf per lot x 7 = 34,000 sf 34,000 sf x 46.9 inches annual precip x 12 inches per foot x 65% leaching rate x 28.3 liters/cu ft x 0.75 mg/liter N/ 1,000,000 **1.83 kg N/yr**
- **Maintained lawn / shrubs**
7 lots x 4,000 sf / lot = 28,000 sf
28,000 sf x 3 lbs N per 1,000 sf x 20% leaching rate / 2.205 lb/kg
7.62 kg N/yr
- **Max. Total Nitrogen Load Calculation from Pimpneymouse Farm = 84.7 +0.79 +1.83+ 7.62 94.94 kg N/yr**
MVC WQMP Maximum Nitrogen Load for PMF = 1,318 kg N/yr

3.2 Environment / Habitat:

- The subdivision site is located in the Eastern Moraine of the Vineyard.
- The subdivision site contains expansive salt marshes described by the Applicant as the largest on the Vineyard.
- Essentially treeless when the family acquired it over 100 years ago, the subdivision site now features many varieties of trees and a range of vegetation “communities,” as outlined by Basswood Environmental.
- Those communities are: **Wetland:** Beach Strand, Coastal Salt Pond, Saltmarsh/Brackish Tidal Shrubland, Shrub Swamp, Water, and Wet Meadow. **Upland:** Anthropogenic, Coastal Forest/Woodland, Cultural Grassland, Maritime Shrubland, Pitch Pine – Oak Forest/Woodland (Oak Dominant), Pitch Pine – Oak Forest/Woodland (Pitch Pine Dominant).
- Two threatened moths were initially identified by the Commonwealth as on the subdivision site: the Imperial Moth and the Water-Willow Borer Moth. However, an ecological survey commissioned by the Applicant found numerous other rare insects inhabit the subdivision site along with rare birds and a rare plant.
- The insects and birds included the Piping Plover, the Roseate Tern, the Common Tern, the Least Tern, the Collared Cynia and several other moth/butterfly species.
- In addition to its Commonwealth status, the piping plover is federally listed as threatened.
- The rare plant found was the Bristly Foxtail.
- It should be noted the Commonwealth doesn’t publish the location of rare plants and animals covered by the Natural Heritage and Dangerous Species Program.
- Per the Applicant: “Protecting the natural environment is a key consideration for this project. Given that Pimpneymouse Farm encompasses multiple fragile ecosystems, the family consulted with officials representing the Mass. Endangered Species Act (MESA) and the Mass. Environmental Protection Act (MEPA) to understand the impact of the Pimpneymouse Farm Family Plan with respect to the Natural Heritage and Endangered Species Program (NHESP) and determined that a substantial portion of the property is Priority Habitat to many rare or endangered species and other species of conservation concern. The family has received a Letter of Determination (NHESP Tracking Number: 22-40940) from the Division of Fisheries and Wildlife outlining their conclusions...and affirming the Pimpneymouse Farm Family Plan meets the conditions required to avoid a “Take” under the MESA regulations by limiting the potential for protected habitat loss to less than 5 acres (entirely on Lot 1C), and has approved the Pimpneymouse Farm Family Plan on the conditions set forth in the...letter.”
- The Applicant has made a barn owl habitat high up inside the main barn of the farm.
- The Applicant has rigged stalls in the main barn with a type of slotted fencing to allow for the passage of barn swallows but to keep out racoons and other predators.

3.3 Open space

- The Farm parcels generally scores very high (Exceptional) on the Open Space Guideline map, which would prompt them to aim for roughly 80% of the site to become deed restricted, open space to be consistent with our Open Space Policy.

- Floodplain, a swath that is designated as working farm in our GIS data, core habitat, wetland proximity, being in a coastal DCPC all contribute to different zones within the site being flagged as Exceptional.

3.4 Character and Identity

- Transfer of the fields, specifically those adjacent to Chappaquiddick Road, to the Land Bank and the Land Bank’s expressed desire to lease the fields to a farm, would provide continuity for conspicuous farming practices such as haying that have long been associated with the property and the area.
- In the Applicant’s Words: “The iconic open roadside vista at the major intersection of the Chappaquiddick and Dike Roads will remain as it has been for many years with more than 2200 contiguous feet of roadside overlooking Martha’s Vineyard Land Bank conserved fields.”
- Trap House & Trap Field: According to the Applicant, the trap shooting field is the oldest field of its type on the Vineyard. According to Adam Moore of Sheriff’s Meadow Foundation, it may be the oldest trap field in continuous use in the United States.

3.5 Scenic values

- A prohibition on further subdivision, as the Applicant has stated will be on offer, would help preserve bucolic/agrarian vistas along Chappaquiddick Road.
- The transfer of the lion’s share of the salt marsh habitat along Poucha Pond to the Sheriff’s Meadow Foundation and the remainder to the Land Bank would help preserve in perpetuity sweeping marshscapes as seen from Dike Bridge Road, in the vicinity of the Dike Bridge, and from the Dike Bridge itself—also as seen by kayakers and others on the surface of Poucha Pond.
- In the Applicant’s words: “There will be close to a mile and a half of undisturbed and undeveloped shoreline along Poucha Pond that will be permanently preserved providing significant visual and environmental benefits. This expanse, remaining in its natural state, will continue to welcome flocks of ducks, geese, and deer along the shoreline and protect one of the most memorable viewsheds on Chappaquiddick.”

3.6 Climate Resilience

- Salt marshes are an important storm buffer and help offset coastal erosion.

3.7 Economic Development

- The plan put forth by the Applicant and the Land Bank would provide a farming opportunity for an existing Vineyard farm or for one or more persons interested in starting a new farm.

3.8 Social Development

- The project would provide new trails and therefore, new recreation opportunities.
- The trap house and trap field are located on land slated to go to the Sheriff’s Meadow Foundation. According to Moore, Sheriff’s Meadow plans to keep the trap house and trap field operational and may work cooperatively with the Martha’s Vineyard Road and Gun Club.

3.9 Housing

- The Applicant has offered to donate two parcels of land in an effort to create a 1/2 acre affordable housing lot in the vicinity of Litchfield Road.

3.10 Impact on Abutters

- The Land Bank owns sizable adjoining land. Its acquisition of a big portion of the farm would appear to advance a contiguous ownership conservation strategy.
- Prohibition of further subdivision would likely be well received by neighbors.

3.11 Night lighting

- The Applicant has offered to commit to Dark Sky compliant lighting for any new construction.

3.12 State Planning

- Sheriffs Meadow Foundation plans to acquire its portion of conservation land from the farm through the Commonwealth's Landscape Partnership Grant Program. Adam Moore of Sheriff's Meadow Foundation told the Commission very few tracts of land meet the requirements for the grant but Pimpneymouse Farm meets these requirements. Moore has provided a draft project agreement between the Executive Office of Energy and Environmental Affairs and Sheriffs Meadow Foundation. Moore told the Commission the acquisition deal must be finalized by the end of the year (December 31, 2024) in order for it to be eligible for the grant funds.

3.13 Municipal ordinances & taxpayers:

- Per the Applicant: "A substantial portion of Pimpneymouse Farm has been enrolled in Chapter 61, 61A, and more recently 61B, based on active forestry management and agricultural programs as well as providing a broader public benefit to the community. The family intends to support the long-standing tradition of agriculture and forestry on the property, but it is possible the contemplated plan and resulting distribution of property to individual family members may result in either a change of use or a lot size that no longer qualifies under the various Chapter 61 requirements. As such, the family will respond as required under the Act with respect to property that is withdrawn from the program, first by offering the Town of Edgartown its first right of refusal to acquire the conservation property in its entirety and, if not exercised, pay the required rollback taxes, if the use changes. Since Pimpneymouse Farm has been continuously enrolled in Chapter 61, 61A, and 61B for more than 40 years, the conveyance tax provision does not apply. In addition, land that will be acquired by either the Land Bank or Sherriff's Meadow will not represent a conversion or change of use under the Act and will not be subject to the rollback tax provision."