

RED ARROW DRI

MIKE COLANERI <MCPA72@hotmail.com>

Mon 8/22/2022 9:22 AM

To: Alex Elvin <elvin@mvcommission.org>; ben robinson <benjaminfrobinson@gmail.com>; Christine Flynn <flynn@mvcommission.org>; Adam Turner <turner@mvcommission.org>;

August 22, 2022

MVC

Re: Red Arrow DRI

Thank you, Alex, for your reply.'

Again, I ask, How can "spot zoning " of the SM property, be allowed under the proposal in 1998?

This proposal and the original DRI and the modifications that have been approved, never rose to the level to meet your standard of benefitting "a substantial segment of the population". It has the appearance of incremental development.

It appears that a major oversight or a slide of hand and a slick convincing of the MVC and the WT ZBA, stole the day in 1998, and allowed a commercial/industrial enterprise to be approved and used as light industrial/commercial, in an agricultural/ residentially zoned neighborhood, under the guise of a 40-B proposal, containing two separately owned parcels of land.

I believe this is called "Spot Zoning" and therefor has no legal standing and should not have been allowed.

It is obvious too many that this never should have been approved, and is an obvious breach of the towns zoning laws and the 40-B subdivision control law and its guidelines.

I urge you to seek legal guidance from Mass State Housing before acting on this proposal.

A more pressing issue I have only briefly mentioned in prior emails, but have spoken to Adam Turner about at length, is the South Mountain design contribution of ?150K from a previous DRI modification , which the MVC returned to S Mountain for use with this proposal.

That means, that S Mountain has not provided any contribution to the WTAHC for any of its modification approvals.

The Red Arrow proposal and the 2900 square foot "Attainable Home" with a garage and detached bedroom, will in effect not be restricted in any lasting legal manner based on an enforceable covenant.

Simply put...It will be a "Market Rate Home" partially subsidized by "Someone", known or unknown, with no resale guidelines or income restrictions, or resale value placed on the home for future purchasers.

These four houses on three acres of this proposed subdivided lot, are in effect extending to a greater higher-density of the co-Housing 40-B subdivision, which I believe is not permissible under a 40-B previously approved plan. .

This is obviously a proposal that benefits South Mountain directly, and to a lesser degree, one small family earning up to 100% of median income in a home of less than 800 square feet.

As I have mentioned in earlier emails and correspondence, the present covenant for Co-Housing is a flawed weak document that has cost the town and the DCRHA legal fees to address an egregious covenant violation. These problems have been ongoing for years, and are yet to be resolved.

The violation and legal fees are ongoing.

I urge the MVC to review all current documents and any new documents pertaining to a long-term covenant, and correct any and all of the present flaws, and provide assurance to the town that any covenant will meet current town and state housing restricted covenant guidelines and criteria.

I strongly suggest you to reach out to the monitoring agent, the DCRHA, and David V who has had years of experience dealing with the covenant related problems at Co-Housing. His historic input on this proposal is key to a complete review of the Red arrow proposal and Co-Housing is very important, without this history, the issue of the 1998 Co-Housing and S M 40-B and how it was presented and approved, will leave to many questions unanswered.

I believe there are many major legal issues with any subdivision of the Co-Housing property and the creation of a newly created four dwelling units on a three-acre parcel that is not a, "Real Official" new 40-B, state reviewed and approved proposal, would be making a very bad, possibly illegal situation, worse. Co-Housing was a "One and Done" 40-B

To ignore and not answer and address these and other questions and issues, and to not obtain legal guidance for the record, would be to ignore the 40-B process and the towns zoning bylaws.

Respectfully submitted for the record.

Michael Colaneri
41 Rogers Path W T

Re: RED ARROW DRI PROPOSAL

Alex Elvin

Thu 8/18/2022 2:05 PM

To: Member <MCPA72@HOTMAIL.COM>; Uptonamy@mac.com <uptonamy@mac.com>; Adam Turner <turner@mvcommission.org>; LARRY SHUBERT <lhscarpentry@comcast.net>; Rise Terney (riseterney@gmail.com) <riseterney@gmail.com>; ben robinson <benjaminfrobinson@gmail.com>; David Vigneault <david@housingauthoritymv.org>;

Hi Michael,

I have not reached out to David directly, but he is welcome to submit any comments before the written record closes next Thursday (8/25) at 5PM, and they will be shared with commissioners.

In 1998, the MVC deferred zoning issues to the town, which then approved the co-housing proposal. The MVC founding legislation, Chapter 831, permits the commission to approve projects that are inconsistent with town zoning if they provide housing, education, or recreation for a "substantial segment of the population". This is included in the staff notes for the project, which were presented to the commission on 8/11.

The two units restricted at 140% AMI would be considered community housing, which the MVC Housing Policy defines as "housing for an individual(s)/household with an income eligibility restriction above 81% and up to 150% AMI (and includes Elder Housing and Workforce Housing for those with incomes that qualify them for Community Housing)." The five-bedroom house was not proposed as either affordable or community housing, although the applicant stated that it would be subsidized and sold for less than market value. As far as I know, "attainable housing" was not a term used by the MVC in this review.

Your email with comments on the MV Times article has been added to the record, although the email did not provide any additional context. Your other emails from 6/14, 7/17, 7/28 and 8/3 are also in the record.

Thanks,

Alex

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Development of Regional Impact (DRI) Coordinator
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From: MIKE COLANERI <mcpa72@hotmail.com>

Sent: Sunday, August 14, 2022 1:25 PM

To: Alex Elvin; Uptonamy@mac.com; Adam Turner; LARRY SHUBERT; Rise Terney (riseterney@gmail.com); ben robinson; David Vigneault

Subject: Re: RED ARROW DRI PROPOSAL

Thank you Alex for the update.

Have you contacted DCHD or DCRHA and ask Daved for his thoughts on this proposal.

As to its being a DRI modification, that should be very questionable and may perpetuate the problems that were created in 1998 when Co-Housing was approved.

It still does not answer the question as to how the MVC could have changed zoning from Ag/residential to Commercial/Industrial in 1998.?

Did you receive my email on the new designation that is being used for the four-bedroom dwelling proposed as "Attainable Housing"?

A phrase that is new to the housing discussion, and should be discussed broadly, prior to it being accepted as just another "Market Rate" dwelling on leased property.

I hope my questions and concerns are accepted as being the public's concern for the continuation of a very questionable proposed project..

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From: Alex Elvin <elvin@mvcommission.org>

Sent: Sunday, August 14, 2022 12:58 PM

To: Member <MCPA72@HOTMAIL.COM>; Uptonamy@mac.com <uptonamy@mac.com>; Adam Turner <turner@mvcommission.org>; ben robinson <benjaminfrobinson@gmail.com>; David Vigneault <david@housingauthoritymv.org>

Subject: Re: RED ARROW DRI PROPOSAL

Hi Michael,

We are waiting to hear back from the West Tisbury ZBA about what actions are needed at the town level to permit the project, but I don't believe this would be considered a new 40B, just a modification to the town approval from 1998. I will keep you posted about the ZBA response. I will also ask the applicant if draft covenants are available, and how they will be monitored, etc.

Thanks,

Alex

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From: MIKE COLANERI <MCPA72@hotmail.com>

Sent: Saturday, August 13, 2022 12:54 PM

To: Uptonamy@mac.com; Alex Elvin; Adam Turner; ben robinson; David Vigneault

Subject: RED ARROW DRI PROPOSAL

"Attainable housing is still "market rate" housing, whereas affordable housing is subsidized to make it affordable"

I suggest everyone understand and define (even Google it) for the record, what "Attainable Housing" is and how it will be used to create a new category of housing on the Island.

Question:

Is the Red Arrow proposal a 40-B ?

If that is the case, and even if it is not, I believe there are legal questions that need to be addressed and answered prior to any decision being rendered on this DRI.

Who will draft, hold and monitor the covenant to govern this property and these homes?

In light of the flawed covenant now in place governing Co-Housing, I believe it is needed and necessary for a draft of the covenant be made available for discussion as part of the DRI process.

These and the many other questions I have presented to the MVC, must be answered prior to any further discussion on this DRI.

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