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# Martha's Vineyard Commission

## DRI 730 Southern Tier Affordable Housing (Phase 1) MVC Staff Report – 2023-1-26

### 1. DESCRIPTION

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- 1.1 **Owner:** Oak Bluffs Resident Homesite Committee
- 1.2 **Applicant:** Affirmative Investments / Island Housing Trust (Affirmative/IHT)
- 1.3 **Project Location:** 85 Edgartown-Vineyard Haven Road (Map 50, Lot 31), Oak Bluffs (7.8 acres)
- 1.4 **Proposal:** Development of 45 multi-family affordable rental units.
- 1.5 **Zoning:** R3 residential
- 1.6 **Local Permits:** ZBA (comprehensive permit), building permit, board of health
- 1.7 **Surrounding Land Uses:** Residential and public/community uses in the R3 district, including MV Arena, YMCA, MV Regional High School, MV Community Services, and Oak Bluffs Skate Park; R4 district to the north, including Woodside Village, 190 acres owned by the MV Land Bank (Southern Woodlands DCPC), and Old Holmes Hole Road (Special Way). The portion of the property along Edgartown-VH Road is within the Island Road DCPC.
- 1.8 **Project History:** The town of Oak Bluffs issued an RFP in 2021 to create up to 60 units of housing on 7.8 acres of town-owned land, and selected Affirmative/IHT to develop the property in two phases. The current DRI application is only for phase 1, although the applicant is open to proposing phase 2 at the same time. The property is identified in the Oak Bluffs Housing Production Plan and Oak Bluffs Master Plan as a possible site for affordable housing. The town has committed \$450,000 in CPA and Housing Trust Fund allocations for the development. The MVC approved a similar affordable housing development on Meshacket Road in Edgartown in November 2022.

The property abuts the Southern Woodlands DCPC to the north, where the town has nearly completed land-swap agreement with the MV Land Bank that would allow it to potentially develop additional affordable housing on an approximately 24-acre parcel just north of the project site. The Oak Bluffs Affordable Housing Committee has provided [additional information](#) about the status of the project and initial planning factors.

- 1.9 **Project Summary:** Phase 1 of the project is to develop 45 units of multi-family rental housing (total of 85 bedrooms) that will be affordable to residents with incomes between 30% and 110% of AMI, along with a community building, walking paths, passive recreation spaces, and 68 parking spaces.

Proposed building types:

- 3-unit walk-up – 5 buildings, total of 10 1-bedroom units and 5 3-bedroom units
- 6-unit walk-up – 5 buildings, total of 30 2-bedroom units
- Community building with management office and community space

According to the applicant, the overall buildout including both phases will include a total of 60 homes and 90 parking spaces. However, the current DRI is only for phase 1.

The applicants confirmed on 1/11/23 that they plan to return to the Commission after approval in order to modify the project to include an additional three 1-bedroom apartments in the three-unit buildings, by adding a top-story dormer unit to each one. This would raise the total number of units from 45 to 48, with an associated increase in terms of nitrogen generation and mitigation. The applicant has stated that the modification would not change the number of parking spaces, which would still be adequate. This proposal would depend on the applicant's ability to secure additional funding.

For context, the applicant has also provided the following statement regarding phase 2:

*Phase II of Southern Tier will occur in conjunction with the completion of an expanded sewer system for the Town of Oak Bluffs and the allocation of sewer capacity to Southern Tier. There will be 15 units as a part of the second phase. The units will be designed in a similar architectural fashion as Phase I. Currently, the unit sizes of the 15 units have not been determined. Southern Tier will come before the MVC in order to amend this project approval for the additional 15 units. Our agreement with the Natural Heritage and Endangered Species Program maps out developable space at the north end of our developed site for the additional 15 units.*

## **2. ADMINISTRATIVE SUMMARY**

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- 2.1 DRI Referral:** Oak Bluffs ZBA, April 30, 2022
- 2.2 DRI Trigger:** 4.1a (5 or more dwelling units) – Mandatory referral requiring MVC concurrence
- 2.3 LUPC:** Nov. 28, 2022
- 2.4 Public Hearing:** Jan. 5, 19, 2023

## **3. PLANNING CONCERNS**

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### **3.1 Wastewater**

The property is located in the watershed of Sengkontacket Pond, which is impaired, and has a nitrogen loading limit of 15.72 kg/year. Accounting for 85 bedrooms, landscaping, and impervious area, the project will generate 47.89 kg/year, which is 32.17 kg/year over the limit. To mitigate the overage, the applicant plans to either upgrade other Title V septic systems to NitROE systems or permanently restrict other developable land in the watershed, per the MVC Water Quality Management Policy.

Phase 1 would include a NitROE denitrifying septic system and Presby Advanced Enviro-Septic leaching field. The project would also include the installation of a sewer main under the access road for use in phase 2. The applicant has stated that phase 2 cannot be built until it is able to connect to the sewer. Pending the town's expansion of its sewer capacity, the project as a whole may be able to connect to the sewer in the future.

The project will be on town water.

### **3.2 Stormwater**

According to the applicant: “Stormwater will be collected and treated for the proposed development with a series of green stormwater infrastructure practices which will include water quality swales and bioretention areas for pretreatment of the pavement areas runoff. The bioretention areas will utilize a sediment forebay or pretreatment structure for sediment removal. Stormwater runoff from the bioretention areas for larger storm events will be conveyed to several underground infiltration chambers (UICs), as noted on the site plan. Roof runoff will also be conveyed to UICs spaced throughout the proposed development. The proposed practices utilize infiltration and meet or reduce all peak flows to predevelopment levels.” A Stormwater Analysis and Drainage Report has been provided, along with a Stormwater Management Operations and Maintenance Guide.

The applicant has stated that the project will utilize standard bituminous concrete for the road. Some parking spaces would be concrete, and some compacted gravel. The walking paths would be stone dust with some areas of concrete.

### **3.3 Environment/Habitat/Open Space**

The property is currently undeveloped woodland contiguous with the Southern Woodland DCPC to the north. Most of the property is listed as NHESP Priority Habitat, and the entire property is listed as either Exceptional or Important in the MVC Open Space Guideline Data. The property is part of an undeveloped corridor connecting the Southern Woodlands to the north with the State Forest to the south, although Edgartown-VH Road runs through that area.

The project would disturb about 4.95 of the 7.8 acres, with about 1.87 acres permanently protected, including for passive recreational use by residents. The project is designed in part to preserve an existing knoll in the northeast part of the site. Depending on future development plans by the town, the new access road may be extended along the eastern property line to access the property to the north. The applicant has stated that the access road could not be relocated farther west (away from the abutting properties to the east) without losing valuable community space and without needing to redesign the project, which would cause them to miss the current funding round and delay the project for up to a year. In terms of the future access road, the applicant has stated that relocating the road from the east side to the west side of the property would also be problematic, including by further fragmenting open space that is contiguous with the property to the north. (The proposed future access road would likely be the shortest and least environmentally intrusive route to the future development.)

MassWildlife has provided a determination letter requiring the following conditions for phase 1, in order to avoid a prohibited take of state-listed species:

1. Recordation: *Prior to the start of work, the Applicant shall record this determination letter and the Plan in the Dukes County Registry of Deeds so as to become a record part of the*

*chain of title for the property. Prior to the start of work, the Applicant shall provide the Division with written proof of said recordation.*

2. *Symbolic Fencing:* *Prior to the start of work, symbolic fencing shall be erected along the "Limit of Work (Phase I and II)" shown on the Plan and maintained throughout the construction period. No work or activity shall occur on the property outside the "Limit of Work Phase I and II" shown on the Plan.*
3. *Monumentation:* *Prior to the start of work, the Applicant shall submit a plan to permanently monument the "Protected Open Space" shown on the Plan. Prior to the start of work or as otherwise approved by the Division, monumentation shall be installed pursuant to the Division-approved plan. Said monumentation shall be maintained in good condition and repaired or replaced, as necessary.*
4. *Compliance Report:* *Within thirty (30) days of the completion of work or as otherwise approved by the Division, the Applicant shall submit written confirmation to the Division documenting compliance with the conditions outlined herein.*
5. *Habitat Protection:* *Within one (1) year o the start of work and prior to recording any instrument to transfer or protect the "Protected Open Space" shown on the Plan, the Applicant shall provide the Division with a plan for permanently protecting the "Protected Open Space" as open space and state-listed species habitat pursuant to Article 97 provisions.*

According to the applicant: "It is expected that the majority of trees within the limit-of-work will be removed, with a comprehensive landscaping plan designed to re-establish a natural vegetation community within the development. Depending on the final site grading, it may also be possible to preserve small patches of existing vegetation as well. This general approach was driven by the desire to minimize the development footprint and preserve as much existing woodland as possible within the NHESP Priority Habitat area around the knoll, which will ultimately be protected by a conservation easement. We will review the existing vegetation once we have the roads and buildings staked to determine which vegetation can be preserved."

#### *MVC Open Space Preservation Policy*

- Applies to DRIs that involve building projects on more than 3 acres, or subdivisions.
- Primary goal: "...to preserve the most significant parts of a property approved as a DRI
- as permanently protected open space by first identifying ... special natural and other features, and then by laying out the development to retain these features to the greatest possible extent."
- Areas of open space to be preserved should be delineated first in the design process.
- Open space is considered the area outside the development envelope that is protected as open space.

The entire property is listed as either Exceptional or Important open space in the MVC Open Space Guideline Data, which is intended as a reference in applying the Open Space Policy. About 156,765 ft<sup>2</sup> of the property is considered Exceptional, and about 183,082 ft<sup>2</sup> is considered Important. According to the policy, 80% of the Exceptional open space (125,412 ft<sup>2</sup>) and 60% of the Important open space (109,849 ft<sup>2</sup>) should be permanently preserved as part of the project. The project as proposed calls for 81,457 ft<sup>2</sup> to be permanently preserved.

Open Space Policy Application:\*

Open Space Quality (MVC Data)	Area	Percent to be Preserved Under Policy	Percent to be Preserved in Proposal
Exceptional	156,765 ft <sup>2</sup>	80% (125,412 ft <sup>2</sup> )	0% (0 ft <sup>2</sup> )
Important	183,082 ft <sup>2</sup>	60% (109,849 ft <sup>2</sup> )	44% (81,457 ft <sup>2</sup> )
Total	339,847 ft <sup>2</sup>	69% (235,261 ft <sup>2</sup> )	24% (81,457 ft <sup>2</sup> )

\*Areas are approximate

### 3.4 Traffic and Transportation

Access to the property will be from Edgartown-VH Road. A new access road will loop around a central area with five buildings and a common green, and extend north to the rear of the site and future location of two more possible buildings in phase 2. Depending on future development plans by the town, the road may be extended along the eastern property line to access the property to the north.

The plan calls for 68 parking spots along the access road in phase one (1.51 per unit). The town does not have any requirement for the number of parking spaces in residential districts, although the ZBA could potentially impose parking conditions as part of its review. Phase 2 would have an additional 20 spaces.

Walking paths would connect all parts of the property, as well as Old Holmes Hole Road to the north and the MV Arena and YMCA to the west. The community building would include an area for covered bike storage.

The applicant provided a 2021 Technical Memorandum by Howard Stein Hudson (HSH) for the Edgartown-VH Road corridor between Barnes and County Roads, which accounts for several planned projects in the corridor, including the Southern Tier housing project. The plan estimates that the project as a whole (including both phases) would generate a total of 384 daily trips (4.3% increase over annual average daily traffic), with 26 trips in the AM peak hour and 31 in the PM peak hour. However, the plan does not make any specific conclusions or recommendations about the project impacts. A separate traffic impact summary submitted by the applicant cites the HSH memo and states that the project would have a negligible impact.

A more detailed review by HSH dated 12/29/22 estimates that the project (including both phases) would add about 20-30 vehicles to the adjacent streets during the AM and PM peak hours, amounting to about 4% of total peak-hour traffic on Edgartown-Vineyard Haven Road. The report

concludes that the additional trips would “have a minimal impact to the safety or operations of the area roadways,” including the roundabout.

### **3.5 Energy**

Each building would have rooftop solar generation, and the project will aim for a Home Energy Rating System (HERS) score of 40 or better. The plan also includes 6 electric vehicle charging stations, along with conduits for future stations. The MVC Energy Policy calls for any overnight residential parking space to be equipped with an EV charging station or conduit. The applicant has stated that a utility allowance will be included in the cost of each unit.

The applicant has stated that the proposed east-west facing roofs can generate as much solar energy as south facing roofs, but would need additional panels to do so.

### **3.6 Housing**

Phase 1 of the project is to develop 45 units of multi-family rental housing (total of 85 bedrooms) that will be affordable to residents with incomes between 30% and 110% of AMI. The Community Builders (TCB) will oversee leasing, management, and operations. The project would increase the town’s Subsidized Housing Inventory from 5.5% to 7.5% of the total housing stock, bringing it closer to the state target of 10%. All ground-floor units would be visitable (accessible to people who struggle with steps or use wheelchairs or walkers), and each unit would have access to laundry facilities in the building. Maintenance of the property will be paid by a combination of rents, mortgages, and loans. More information about the buildings, amenities, rents, and housing need is available in the [Application Package](#).

Housing breakdown in terms of AMI:

- 1BR (10) – 2 @ 30% AMI, 1 @ 50% AMI, 7 @ 60% AMI
- 2BR (30) – 2 @ 30% AMI, 2 @ 50% AMI, 19 @ 60% AMI, 7 @ 80-110% AMI
- 3BR (5) – 1 @ 30% AMI, 4 @ 60% AMI

### **3.7 Character and Identity**

In regard to building design, the applicant has stated: “The roof massing, neighborhood scale, and straightforward detailing reflect the simplicity and craftsmanship expressed in the Vineyard’s architectural tradition. The cedar shingles and trim also reflect the Vineyard tradition and provide a low-maintenance finish that will age well over time.” The buildings are essentially the same as those planned for Meshacket Commons in Edgartown. The two six-unit buildings closest to Edgartown-VH Road would be within the Island Road District, which limits the height of pitched roofs to 24 feet except by special permit. The applicant plans to request relief from the height requirement through its 40B Comprehensive Permit. The applicant notes that those buildings are only about two feet higher than the three-unit buildings (32’8” vs. 30’2”) and will be partly screened by existing trees.

Elevations and floorplans have been provided.

The property will be served by underground electric and communication infrastructure, which would be privately owned and maintained by the applicant.

### **3.8 Cultural Resources**

The applicant submitted a project notification form to Mass Historic, in regard to potential archaeological resources. Mass Historic determined in November 2022 that “the project is unlikely to affect significant historic or archaeological resources.” The applicant acknowledges the presence of an archaeologically significant rock near the northern edge of the property that is also within a 50’ setback of the special way. The project will not involve any work in that area.

### **3.9 Landscape and Lighting**

The project aims to create a sustainable landscape that blends into the natural surroundings, including the use of native plants found in the existing woodland.

The project will include 20-foot pole lighting along the access road, light-activated LED ceiling-mounted porch fixtures, and solar-powered, motion sensitive path lighting.

Initial landscape and lighting plans have been provided.

### **3.10 Impact on abutters**

The property abuts a residential area with four houses to the east. Abutter concerns have focused on the potential impact of noise and lighting, as well as habitat reduction, associated with the proposed access roads and community building. The access road for the project would curve west about 170 feet south of the nearest house, but the future access road would run just west of the residential properties. (Issues related to the access roads are discussed in section 3.3 above.) The community building would be about 250 feet west of the nearest house, and would be largely screened by existing vegetation and topography. It would also face west to help shield noise and lighting. The abutters requested that four of the buildings at the rear of the site including the community building, and the future access road, be shifted farther west, although that would appear to conflict with phase 2 of the project and with efforts to reduce habitat fragmentation to the north. The applicant has offered to not include any of the 20’ lighting poles that were originally proposed for the access road to the project.

The applicant notes that the project has involved about 14 public meetings since 2021 to discuss the project, including a “community meeting” in December 2022 that abutters were invited to attend.