

TOWN OF OAK BLUFFS

HOUSING PRODUCTION PLAN FY2018-2022

FUNDING PROVIDED BY THE MARTHA'S VINEYARD
COMMISSION AND THE COMMONWEALTH OF
MASSACHUSETTS

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Acronyms

ACS	US Census Bureau's American Community Survey
AMI	Area Median Income
DHCD	MA Department of Housing and Community Development
MAPC	Metropolitan Area Planning Council
MOE	Margins of Error
MVC	Martha's Vineyard Commission
SHI	Subsidized Housing Inventory

Key Definitions

The following definitions are for key terms used throughout the document and are based on information from the U.S. Census Bureau, unless otherwise noted:

Chapter 40B (MGL c.40B) – Massachusetts General Laws c.40B, §§ 20 through 23. Chapter 40B permits developers of projects that include a sufficient level of subsidized low and moderate income housing units to apply for a Comprehensive Permit from the local zoning board of appeals (the “Board”).

Cost Burdened – Households who pay more than 30 percent of their income for housing.

Disability – The American Community Survey defines disability as including difficulties with hearing, vision, cognition, ambulation, self-care, and independent living.

Family - A family is a group of two people or more (one of whom is the householder) related by birth, marriage, or adoption and residing together; all such people (including related subfamily members) are considered as members of one family.

Household – A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers, is also counted as a household. The count of households excludes group quarters.

Housing Unit - A housing unit is a house, an apartment, a mobile home or trailer, a group of rooms, or a single room that is occupied, or, if vacant, is intended for occupancy as separate living quarters.

Median Age – The age which divides the population into two numerically equal groups; that is, half the people are younger than this age and half are older.

Median Income – Median income is the amount which divides the income distribution into two equal groups, half having incomes above the median, half having incomes below the median. The medians for households, families, and unrelated individuals are based on all households, families, and unrelated individuals, respectively. The medians for people are based on people 15 years old and over with income.

Millennials – The demographic cohort following Generation X. There are no precise dates when the generation starts and ends. Researchers and commentators use birth years ranging from the early 1980s to the early 2000s. (en.wikipedia.org/wiki/millennials.)

Poverty – Following the Office of Management and Budget's (OMB's) Directive 14, the Census Bureau uses a set of money income thresholds that vary by family size and composition to detect who is poor. If a family's total income is less than that family's threshold, then that family, and every individual in it, is considered poor. The poverty thresholds do not vary geographically, but they are updated annually for inflation with the Consumer Price Index (CPI-U). The official poverty definition counts money income before taxes and excludes capital gains and noncash benefits (such as public housing, Medicaid, and food stamps). Thresholds by year and households size are found at this link: <https://www.census.gov/hhes/www/poverty/data/threshld/>.

Subsidized Housing Inventory – The list compiled by DHCD containing the count of Low or Moderate Income Housing units by city or town.

CHAPTER I

INTRODUCTION

Housing Production Plan Purpose

This Housing Production Plan (HPP) is a state-recognized planning tool that, under certain circumstances, permits the town to influence the location, type, and pace of affordable housing development. This HPP establishes a strategic plan for production of affordable housing that is based upon a comprehensive Island-wide housing needs assessment, prepared in 2013, and provides a detailed analysis of development constraints due to infrastructure capacity, environmental constraints, protected open space, and regulatory barriers.

This HPP has been prepared in accordance with the Massachusetts Department of Housing and Community Development (DHCD) requirements. The HPP describes how the town plans to create and preserve affordable housing.

When an HPP is certified by DHCD, then a denial of a Comprehensive Permit will be upheld if such application is not consistent with local needs. The town would need to produce eleven units that count on the state's Subsidized Housing Inventory for a one-year certificate or twenty-one units for a two-year certificate.¹

Under Massachusetts General Laws Chapter 40B Section 20-23 (C.40B), the Commonwealth's goal is for all Massachusetts municipalities is to have 10 percent of housing units affordable to low/moderate income households or affordable housing on at least 1.5 percent of total land area. As of December 2014, the state's Subsidized Housing Inventory (SHI) included 6.8 percent (146 units) of Oak Bluff's year-round housing base (2,138 units).²

Report Organization

This Housing Production Plan is organized in seven chapters as follows:

1. Chapter 1 provides an overview of the purpose of the plan, a community overview, description of planning methodology, and summary of housing needs.
2. Chapter 2 describes Oak Bluffs' housing vision and five-year goals, as identified through the planning process associated with development of this plan.
3. Chapter 3 describes Oak Bluffs' housing strategies, both regulatory and local initiative, to achieve the plan's goals.
4. Chapter 4 provides a demographic profile of the community.
5. Chapter 5 provides an analysis of local housing conditions including housing supply, residential market indicators, and affordable housing characteristics.

¹ Department of Housing and Community Development. *Spreadsheet of 0.5% and 1.0% Thresholds for Each Community Based on 2010 Census Information*. 2010.

² Department of Housing and Community Development. *Chapter 40B Subsidized Housing Inventory*. December 5, 2014.

- Chapter 6 describes Oak Bluffs' development constraints and limitations including environmental constraints, infrastructure capacity, and regulatory barriers.
- Chapter 7 describes local and regional capacity and resources to create and preserve affordable housing in Oak Bluffs.

Community Overview³

Oak Bluffs occupies a peninsula on the northeastern corner of Martha's Vineyard and comprises approximately 7.37 square miles. Oak Bluffs is a predominantly residential community known for its vibrant town center and harbor; its beautiful beaches, and its Victorian architecture and numerous parks stemming from its history as a popular location for religious camp meetings.

The town is separated from Tisbury by the Lagoon Pond, which runs along much of Oak Bluffs' western boundary. To the north and east, the town is bounded by the waters of Nantucket Sound, the waters of Sengekontacket Pond and the 5,000-acre Correllus State Forest.

Oak Bluffs' landscape changes as one moves from the harbor front at the north end of the town to the interior of the Island. The downtown landscape is characterized by a densely built bustling main street—Circuit Avenue—which is surrounded by planned neighborhoods built on narrow, gracefully curving parallel roads. To the north, the East Chop bluffs rise above Nantucket Sound; to the east, the Beach Road passes in between Nantucket Sound and Sengekontacket Pond, providing long vistas and recreational beachfront opportunities. To the west, Barnes Road provides glimpses of the Lagoon Pond beyond discreetly sited pond-front homes and cottages. To the south and further inland, coastal areas give rise to rolling hills supporting stands of white and black oak, pine and beech trees. To the southwest, open farmland and dense scrub oak predominate.

Planning Methodology

DATA SOURCES

The U.S. Census Bureau's Decennial Censuses of 2000 and 2010 and the 2010-2014 American Community Survey (ACS) were the primary sources of data for the needs assessment. The U.S. Census counts every resident in the United States by asking ten questions, whereas the ACS provides estimates based on a sample of the population for more detailed information. It is important to be aware of the margins of error (MOE) attached to the ACS estimates, which is based on a sample and not on a complete count, especially in smaller geographies including Aquinnah and Chilmark – the Island's smallest towns.

Data was also gathered from a variety of available sources including: The Warren Group; Massachusetts Department of Revenue; Massachusetts Department of Education; Massachusetts Department of Housing and Community Development; as well as the Martha's Vineyard Commission and Town of Oak Bluffs.

The report builds on past work, particularly the following plans and studies:

- Town of Oak Bluffs. Oak Bluffs Open Space and Recreation Plan. 2015.
- Commonwealth of Massachusetts: Division of Fisheries and Wildlife. BioMap2; Conserving the Biodiversity of Massachusetts in a Changing World. 2012.

³ Martha's Vineyard Commission. *Oak Bluffs Community Development Plan*. 2004.

Martha's Vineyard Commission. Martha's Vineyard Housing Needs Assessment. 2013.
Martha's Vineyard Commission. Martha's Vineyard Wastewater Management Study. May 2010.
Martha's Vineyard Commission. Island Plan 2009. February 2010.
Martha's Vineyard Commission. Martha's Vineyard Regional Transportation Plan. Update 2011.

COMMUNITY ENGAGEMENT PROCESS

The Selectmen, Planning Boards, and Housing Committees of all six towns held three community workshops, facilitated by the consultant team, to create housing visions, identify five-year goals, and prioritize implementation strategies. In Oak Bluffs, these workshops were held at the Oak Bluffs School on September 21, November 16, and December 14, 2016. In addition, the All-Island Planning Board issued an online survey about housing needs and strategies that had over 600 respondents.

Workshop 1: September 2016

The purpose of the first of three community workshops in Oak Bluffs was to introduce participants to the Housing Production Plan (HPP) project scope and schedule, to discuss housing needs in the community and Island-wide, and to develop a preliminary housing vision for the community and the Island. The following themes emerged as residents considered the current housing environment in Oak Bluffs and ideas for the future of housing in their community: the town as the Island hub, cooperation and collaboration needed to balance needs and resources on the Island, and pride in diversity of the community.

Workshop participants identify Oak Bluffs as the Island hub - home of the Island's hospital, regional high school, much senior housing, and the YMCA. Its services and infrastructure serve both seasonal and year-round residents from across the Island. Through cooperation and collaboration, Oak Bluffs workshop participants want to reach out into the larger Island community to balance the needs and resources of all Island towns and residents more equitably. Participants are proud of the town's diversity and strong sense of community - two characteristics that can be strengthened and shared through thoughtful housing development and resource allocation. Participants envisioned a future for Oak Bluffs where there are multi-/intergenerational apartment complexes, more year-round housing, affordable housing, mixed-use, and more innovative housing options.

Workshop 2: November 2016

The purpose of the second of three community workshops in Oak Bluffs was to solicit participants' feedback on the draft housing visions for Oak Bluffs and Island-wide, to introduce the concept of HPP goals and strategies, to discuss the draft goals for Oak Bluffs and Island-wide, and to begin to brainstorm strategy ideas to help achieve these goals.

Information: An interactive presentation gave participants an understanding of the purpose of Housing Production Plan (HPP) goals and strategies, as well as an overview of the results-to-date of the All Island Planning Board Online Housing Survey.

Public input: Through a series of open house exercises, participants were asked to provide their feedback on the draft housing visions for Oak Bluffs and Island-wide. Working in small groups, participants assessed the draft housing goals for both Oak Bluffs and Island-wide, and brainstormed strategy ideas for achieving these goals.

Workshop 3: December 2016

The purpose of the third of three community workshops in Oak Bluffs was to solicit participants' feedback on the draft implementation strategies to encourage the creation of affordable housing in Oak Bluffs and

throughout Martha's Vineyard in the next five years. Additionally, participants were also asked to consider specific sites/areas in Oak Bluffs that would be appropriate for the development of affordable housing.

Information: A detailed presentation outlined draft implementation strategies to encourage the creation of affordable housing throughout the island in the next five years, and introduced participants to potential sites/ areas where the development of affordable housing might take place.

Public input: Through a series of small group exercises and individual dot voting, participants were asked to provide their feedback on which strategies should be considered for further investigation or implementation in the next five years. Participants were also asked to identify one or more sites on the map that merit further consideration for encouraging affordable / mixed-income development in the next five years.

Summary of Key Housing Needs

Chapter 4, which provides a demographic profile of the community, and Chapter 5, which describes local housing conditions, together provide analysis to determine Oak Bluff's priority housing needs. This understanding of current and future housing needs lays the groundwork for the community's housing vision, goals, and strategies.

Oak Bluffs has 6.8 percent of its year-round housing stock counted on the SHI towards the state's MGL c. 40B goal of 10 percent of year-round units as affordable, with 146 units listed on the SHI. In addition, there are 94 affordable units that are not listed on the SHI: 57 of which are units that are only temporarily affordable due to home rehabilitation funds and 37 are ownership housing units affordable to households above 80 percent AMI. In addition, Oak Bluffs has 23 households with rental assistance vouchers.⁴

Oak Bluffs has unmet local housing needs that are not served with the existing affordable and community housing units. Close to 40 percent of all year-round households in Oak Bluffs have income at or below 80 percent of the area median income (AMI) and about 285—more than half—of these year-round households are severely housing cost burdened (spending more than 50 percent of their total gross income on housing.)

Oak Bluff's year-round population is expected to grow more than any other of the Island's town and have a marked growth in the older adult population. The older adult population tends to have significantly lower household income, both in Oak Bluffs and the County, indicating a need for more housing options to meet the needs of older adults including alternatives that are smaller, accessible, and have minimal maintenance needs.

The income needed to afford the 2016 median single-family house sales price in Oak Bluffs (\$644,500) is about \$170,000, while the median household income for year-round residents in Oak Bluffs is an estimated \$80,225.

Oak Bluffs' primary housing needs are more year-round rental housing units at all market levels including affordable, especially for households with up to 50 percent of the area median income; more diverse housing options including multi-family, service-enriched, and more housing options for seasonal employees; year-round affordable homeownership units for households with less than 80 percent of the area median

⁴ Source for non-SHI affordable unit and rental voucher data: Island Housing Trust, provided to author June-July 2016.

income; and housing rehabilitation funds for homeowners with less than 80 percent of the area median income.⁵

⁵ Note: Oak Bluffs does not have strong need indicated for middle-income (80 to 150 percent AMI) homeownership units as compared to other needs.

CHAPTER 2

HOUSING VISION & GOALS

The housing vision and goals included in this chapter are aimed primarily at creating more housing choice and affordable housing in Oak Bluffs while recognizing and supporting the town's ability to achieve other interrelated community goals, including goals for protection of historic and natural resources as well as strengthening the local economy. The community developed the housing vision and goals through a detailed analysis of housing needs, input from town officials and community members, guidance from the All Island Planning Board Housing Work Group, as well as the consultant team's review of relevant planning documents.

Oak Bluffs' Housing Vision

Oak Bluffs' community members envision that in 2027 the community will continue to value its diversity, safe and historic neighborhoods, rich recreational assets, scenic and waterfront views, vibrancy as a tourist destination, and highly-engaged year-round population. Recognized as the Island's hub, this walkable and bike-able community will make great strides in creating greater housing options that balance the needs of all year-round residents more equitably, including low/moderate-income households and middle-income households, and maintain the integrity of historic areas. The Oak Bluffs' community wants all Island towns to work together to help create affordable workforce housing and support infrastructure expansion in Oak Bluffs, which is critical to supporting the regional resources, such as, but not limited to, the hospital, schools, and Community Services.

Through thoughtful, sustainable housing development, resource allocation, and expanded infrastructure capacity, including public sewer, the town will carefully manage its growth as one of the largest and most vibrant of the Island's towns. Community members envision that Oak Bluffs will increase the diversity of housing choice in the community with the creation of intergenerational apartment complexes in key areas of town; accessory apartments; year-round affordable rental units; townhouses; condominiums; and mixed-use "top-of-the-shop" buildings in commercial areas.

Community members hope that the town will support and encourage affordable housing for low/moderate and middle-income households by creating new tax incentives, updating zoning, and working collaboratively to lobby for expanded funding resources for affordable housing such as a new Vineyard Housing Bank, modeled after the Martha's Vineyard Land Bank. Community members envision conversions of larger homes to multi-family units; the building of smaller homes, including tiny houses; development of cluster housing and cohousing on larger properties; and that older homes will be kept-up through a well-funded housing rehab program for low/moderate-income homeowners that provides funds for health and safety improvements and includes historic preservation standards.

The purpose of these efforts to expand housing options will be to preserve and support the community's diversity and provide more affordable year-round housing options for community members including adult

children who couldn't otherwise afford to live in the community where they were raised.

Oak Bluffs' Housing Goals

GOAL 1: HOUSING OPTIONS

Encourage the creation of greater housing options to balance the needs of all year-round residents more equitably, including low/moderate income households. This could include intergenerational apartment complexes, accessory apartments, year-round affordable rental units, townhouses, condominiums, converted larger single-family houses or other buildings to multi-family, smaller homes (including tiny houses), cohousing, and mixed-use "top-of-the-shop" buildings in commercial areas.

GOAL 2: HOUSEHOLD TYPES

Foster the creation of year-round housing options, through adaptive reuse of existing buildings as well as new construction, that help to preserve and support population diversity and decrease the summer shuffle. These options should support the needs of low/moderate income households, the year-round workforce, low/moderate-income adult children who grew up on the Vineyard, seniors, and people with disabilities, as well as extremely low-income households including individuals and families experiencing or at risk of homelessness.

GOAL 3: ECONOMIC VITALITY

Work together with other Island towns to support development of affordable year-round housing and infrastructure costs to support employees of regional resources, such as, but not limited to, the hospital, schools, and Community Services. Also, to support economic vitality of the community, encourage mixed-use "top-of-the-shop" buildings in commercial areas.

GOAL 4: COMMUNITY CHARACTER AND SMART GROWTH

Carefully manage the impacts on local growth through thoughtful, well-integrated, and sustainable housing development, resource allocation, and expanded infrastructure capacity, including public sewer.

GOAL 5: RESOURCES & CAPACITY

Expand local and regional resources and capacity to support the creation of year-round affordable housing and a well-funded housing rehabilitation program for low/moderate-income homeowners. Work cooperatively with other Island towns, the Martha's Vineyard Commission, and other organizations to promote expansion of local/regional resources that can support the creation of affordable rental housing, such as through creation of a new Vineyard Housing Bank and/or taxation on seasonal rentals.

GOAL 6: NUMERICAL PRODUCTION

Support the creation of sixty-eight or more low/moderate income (LMI) units over five years (an average of fourteen LMI housing units per year) that will count on the Subsidized Housing Inventory, particularly rental units affordable to households with less than 30 percent AMI and 30-50 percent AMI and ownership units affordable to households with income between 50-80 percent AMI. This rate of LMI housing production would support the town reaching 10 percent within five years (by 2022).

In addition, support creation of at least ten ownership units over five years that are affordable to households between 80-100 percent of the area median.

CHAPTER 3

HOUSING STRATEGIES & ACTION PLAN

To achieve the community's ten-year housing vision and five-year goals will require the town's focused effort to implement a variety of local initiative strategies and local regulatory strategies as well as support and participation in Island-wide strategies. The community's housing vision and goals are ambitious and can't be achieved overnight or by a sole, isolated action. The strategies are presented as a package of strategies rather than a menu of choices because they are designed to work together to be most effective. They are like pieces of a puzzle that, when assembled and embraced together, can help the community accomplish its goals.

This chapter includes descriptions of local initiative strategies, Island-wide strategies, local regulatory strategies, and an action plan. The strategies are listed immediately below and discussed in more detail on the following pages:

Local Initiative Strategies

1. Increase allocations of local Community Preservation Act funds to create affordable housing
2. Allocate funds for wastewater infrastructure expansion
3. Offer municipal property at little or no cost for development of affordable and/or mixed-income housing
4. Seek private donations of property for development of affordable and/or mixed-income housing

Island-wide Initiative Strategies

5. Advocate for adoption of special legislation to increase the existing real estate transfer fee to promote creation of affordable housing
6. Advocate for adoption of special legislation to create a seasonal rentals excise tax
7. Advocate for adoption of property tax incentives to encourage affordable year-round rental of units to households with up to 80 percent AMI
8. Support creation of an Island Seasonal Housing Task Force and its initiatives
9. Explore creation of an Island-wide or sub-regional housing trust

Local Regulatory Strategies

10. Revise zoning for affordable units on substandard lots
11. Zone for multifamily housing
12. Ease the requirements for accessory apartments
13. Specifically provide for – and make it easy to create – mixed-use buildings in the Business districts
14. Create a special district for the Lagoon Heights area
15. Adopt visitability design standards

	Goal 1: Housing Options	Goal 2: Household Types	Goal 3: Economic Vitality	Goal 4: Community Character and Smart Growth	Goal 5: Resources and Capacity	Goal 6: Numerical Production
Strategy 1: Increase allocations of local Community Preservation Act funds to create affordable housing	*	*		*	*	*
Strategy 2: Allocate funds for wastewater infrastructure expansion	*	*		*	*	*
Strategy 3: Offer municipal property at little or no cost for development of affordable and/or mixed-income housing	*	*		*	*	*
Strategy 4: Seek private donations of property for development of affordable and/or mixed-income housing	*	*		*	*	*
Strategy 5: Advocate for adoption of special legislation to increase the existing real estate transfer fee to promote creation of affordable housing					*	
Strategy 6: Advocate for adoption of special legislation to create a seasonal rentals excise tax					*	
Strategy 7: Advocate for adoption of property tax incentives to encourage affordable year-round rental of units to households with up to 80 percent AMI	*			*		*
Strategy 8: Support creation of an Island Seasonal Housing Task Force and its initiatives	*	*	*		*	
Strategy 9: Explore creation of an Island-wide or sub-regional housing trust					*	
Strategy 10: Revise zoning for affordable units on substandard lots	*	*		*		*
Strategy 11: Zone for multifamily housing	*	*		*		
Strategy 12: Ease the requirements for accessory apartments	*	*		*		

Strategy 13. Specifically provide for – and make it easy to create – mixed-use buildings in the Business districts	*	*	*	*
Strategy 14. Create a special district for the Lagoon Heights area	*	*	*	*
Strategy 15. Adopt visitability design standards	*	*		

Local Initiative Strategies

Local initiative strategies refer to recommendations that the town can undertake to foster the creation of more housing options, especially affordable housing. These initiatives are not regulatory in nature - they deal with allocation of town resources including staff time, funding, and property.

I. INCREASE ALLOCATIONS OF LOCAL COMMUNITY PRESERVATION ACT FUNDS TO CREATE AFFORDABLE HOUSING

Oak Bluffs' workshop participants in December indicated strong support for this strategy idea both in the small group discussions as well as through the dot voting exercise, ranking highest in this exercise.

According to the Community Preservation Coalition CPA online database⁶, about 25 percent of Oak Bluffs' total Community Preservation Act (CPA) revenue collected since adoption (2005) has been allocated for community housing initiatives. Of total CPA revenue collected by all Island towns, about 30 percent has been allocated for community housing initiatives. CPA funds are locally controlled, requiring Town Meeting consideration of Community Preservation Committee (CPC) recommendations. In Oak Bluffs, CPA revenue is generated from a three percent local property tax surcharge and a variable distribution from the State Community Preservation Trust Fund. The state distribution in Oak Bluffs was 100 percent FY2007-2008 and 28.52 percent in FY2017. Total revenue in FY2016 was \$717,790 and has ranged from \$368,308 to \$808,599.

Per MGL c.44B, section 5(b)(1), CPCs are required to

... study the needs, possibilities, and resources of the city or town regarding community preservation ... The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the board of park commissioners and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the city or town regarding community preservation possibilities and resources ...

Many CPCs create a five-year Community Preservation Plan based on this study and update the plan annually. A target allocation can be established in the Community Preservation Plan for CPA categories (open space and recreation, historic preservation, and community housing) that exceeds the minimum 10% allocation required by the statute. Through this strategic planning process, which should involve input from the multiple boards/commissions listed in the statute and can also involve broader community input, community preservation resources and needs are thoroughly evaluated and the community can set allocation goals and priorities. The target for any one CPA category can range between 10 and 80 percent. Funds can be set aside for housing in the CPA housing reserve or allocated to a housing trust.

During the third community workshop, residents discussed this concept with strong support including recognizing that increased CPA allocations could work in tandem with the strategy to use surplus municipal property for affordable housing development. Participants did not indicate a specific target allocation for consideration. Some CPC's, including Eastham, Provincetown, and Somerville, have established target

⁶ Statewide CPA Statistics go to "Expenditures on CPA Projects" then "Summary of CPA Expenditures by Project Category" at www.communitypreservation.org "About" tab.

allocations ranging from 40 to 60 percent as CPC policy to help guide CPC's recommendations to the local legislative body.

Implementation Milestones:

- CPC to prepare Community Preservation Plan (CP Plan) to study the needs, possibilities, and resources for community preservation and to strategically plan for use of CPA funds over five years (FY2018-2022). CPA can utilize administrative funds (up to five percent of total annual CPA revenue) to support this planning effort, if needed. Planning effort should consider impacts of increasing allocations of CPA funds for housing.
- As part of such a pro-active planning effort, identify specific housing initiatives to support with CPA fund allocation. These initiatives would likely include supporting development of municipal property for affordable housing and may include funding wastewater infrastructure to support affordable housing development. These initiatives should be identified in the CP Plan and can include rough budgets for such initiatives.
- Update application and review criteria for CPA funds to reflect goals and possibilities identified through strategic CPA planning effort (CP Plan).
- CPC recommendations between FY2018-2022 would reflect priorities established in the CP Plan.

2. SECURE FUNDS TO SUPPORT WASTEWATER INFRASTRUCTURE NEEDS

Workshop participants in December indicated strong support to support wastewater infrastructure needs and noted that the town is already in the process of actively seeking funds for this purpose. In 2000, the town installed a sewer system in the downtown historic district and the campground then expanded to service the high school, the YMCA, Woodside Village, and the Ice Arena. About 20 percent of the sewer capacity is allocated to regional institutional uses — about 15 percent for the Martha's Vineyard Hospital and 5 percent for the Martha's Vineyard Regional High School and the YMCA. Currently, the system is working at capacity with very little room for additional treatment capacity, particularly during the summer months, which has a direct impact on the ability of providing more housing options including affordable housing in Oak Bluffs as well as addressing water quality issues of ponds and watersheds.

In April 2017, it is expected that Town meeting will consider allocating capital program funds to create a comprehensive wastewater management plan (CWMP) and a plant optimization design, which will cost \$350,000 and \$400,000 respectively.⁷ Through each workshop, community members expressed desire to seek cost sharing from other Island towns to support wastewater treatment needs since about one fifth of Oak Bluffs sewer capacity serves regional needs. In addition, such cost sharing could be considered to support capital improvements to expand sewer treatment capacity to support the development of workforce housing for regional services (e.g.) Martha's Vineyard Community Services, Martha's Vineyard Regional High School, and the Martha's Vineyard Hospital).⁸

The 2010 Martha's Vineyard Wastewater Management Study, recommended the following exploration of regional cost-sharing solutions (p.8-2):

⁷ Stringfellow, Barry, "Wastewater limits dampen housing options in Oak Bluffs," *Martha's Vineyard Times*, October 26, 2016.

⁸ Site #C, Parcel ID 50_29_1, +/- 28.1 acres: Owned by the Martha's Vineyard Regional High School with a ground lease to the Martha's Vineyard Community Services, this site is under preliminary consideration for the potential development of rental housing for employees of Community Services, Regional High School, and Martha's Vineyard Hospital and could include affordable units for such employees.

Because wastewater management options will be driven primarily by the need to eliminate septic nitrogen loads in the watersheds of sensitive coastal embayments, the optimum solutions should be derived from a watershed-based approach and not town-by-town. Several administrative structures are available to facilitate a watershed-based approach, including County involvement, special purpose districts and town actions supported by inter-municipal agreements. If each town acts on its own, without regional cooperation, overall cost will be higher . . . The Towns should work with the Commission to establish rational bases for sharing the cost of facilities that serve more than one town in a single watershed. The responsibility for nitrogen load reduction in a multi-town watershed can be allocated on the basis of watershed area, existing developed parcel counts or current nitrogen loads. A common Island-wide approach could be established in advance of detailed infrastructure planning to lay the groundwork for inter-town negotiations.

Funding options to explore should include seeking inter-municipal agreements per Special Act MGL c. 188 for cost sharing with other Island towns as well as state subsidies such as MassWorks Infrastructure Program and Massachusetts Clean Water Trust/Clean Water State Revolving Fund. In addition, local CPA funding is eligible to directly support infrastructure needs for the creation of CPA-eligible affordable housing.

Implementation Milestones:

- Secure funding for a CWMP and plant optimization design - Board of Selectmen seek to negotiate inter-municipal agreements to share the cost and Town meeting to consider approval of capital program funds.
- Contract for professional services to prepare a CWMP and plant optimization design.
- Secure capital funding to implement CWMP and plant optimization design.

3. OFFER MUNICIPAL PROPERTY AT LITTLE OR NO COST FOR DEVELOPMENT OF AFFORDABLE AND/OR MIXED-INCOME HOUSING

At the third community workshop, residents reviewed a map showing town-owned properties in Oak Bluffs and discussed which properties should be investigated further for possible development of affordable or mixed-income housing. Offering low/no cost land for development can provide a significant subsidy to help make an affordable housing development feasible.

The town could explore offering available town-owned properties for development of affordable rental and/or ownership units. Such developments could consist 100 percent of affordable units or a mix of income-restricted units and market rate units. Allowing market rate units mixed in a development with affordable housing can provide cross subsidies, which can also help make affordable housing developments feasible with less public subsidies. The permitting mechanism for housing development with enough density to support feasibility would likely be through a comprehensive permit under MGL c. 40b, since existing zoning requirements are more limited.

As the property owner, offering public land for affordable housing development provides the town with a high level of control over the ultimate development. To implement this strategy, the town would issue a Request for Proposals for the disposition of municipal property (per MGL c.30B) that specifies a minimum number (or percentage) of units that should be affordable. This minimum should be established by testing the feasibility – estimate how the affordable unit minimum may impact project feasibility and the need for public subsidies. Funding programs typically have a maximum award per unit and this will affect the feasibility of the project. Funding programs could include local Community Preservation Act funds.

The town may sell or retain the property under town ownership and lease it to a developer through a long-term ground lease. The developer builds, owns, and manages the building but the town can establish certain criteria for the project that become restrictions and provisions in the ground lease. This structure allows the town to create housing without having to administer the construction or management of the housing itself and provides strong assurances for long-term affordability of the units. There is precedent for this type of ground lease on the Island – the Island Housing Trust has such an arrangement on one or more properties (including Jenney Way in Edgartown). In addition, it can help reduce acquisition costs since the developer would only be acquiring a ground lease rather than fee ownership of the property.

The Potential Sites for Affordable Housing Map, depicts a variety of town-owned sites that merit further investigation regarding development feasibility. These sites are recommended for further investigation as a result of participant feedback at the third community workshop. In addition, the consultant team conducted a preliminary analysis of environmental constraints and observations from the Oak Bluffs Affordable Housing Committee, which eliminated some sites from consideration.

The following provides general observations/considerations regarding selected sites for further investigation. Note, that the site numbers refer to the labels on the Development Opportunities Map and are carried over from the map used at the third workshop (minus the more severely environmentally constrained sites).

Site #4, Parcel ID 50_31, +/-7.7 acres: This site is located adjacent to the ice rink on Edgartown-Vineyard Haven Road and owned by the Oak Bluffs Affordable Housing Trust (formerly owned by the Oak Bluffs Resident Homesite Committee). The site abuts land owned by the Martha's Vineyard Land Bank that is in negotiation for a land swap with a +/- 24-acre land-locked town-owned parcel (Parcel ID 42-2; Site #6 on community workshop map) – See description of potential land swap site below (Site #B).

Site #5, Parcel ID 49_11, +/-4.6 acres: This site is located at 519 County Road and is owned by the town. It is a narrow site with additional frontage on Jessica Lane. The Affordable Housing Trust and Affordable Housing Committee are considering requesting that this site be transferred to Trust for purposes of affordable housing development.

Site #7

Parcel ID 29_166, +/-3.4 acres (Trust)

Parcel ID 29_165, +/-3.3 acres (Town)

Parcel ID 29_161, +/-2.5 acres (Town)

Parcel ID 28_7, +/-1 acres (Town)

Owned by the Oak Bluffs Affordable Housing Trust (formerly owned by the Oak Bluffs Resident Homesite Committee) and the Town, as indicated in parentheses above, these four sites make up Site #7 and are located on and near Bellevue, off County Road (adjacent to the landfill). Workshop participants had mixed feelings about this site and some of the participants who opposed were abutters or lived in the neighborhood. The Affordable Housing Committee is actively considering the site's feasibility and is working with the Massachusetts Housing Partnership (MHP) to undertake a professional feasibility study, funded by MHP.

Site #16, Parcel ID 9_249, +/- 1.2 acres: This site is located near Town Hall and adjacent to the Good Shepherd Parish Center on Pacific Avenue. This site has been the subject of consideration in the past for various uses including for a park and ride lot – it is currently unpaved and used informally for parking contractor vehicles.

Site #A

Parcel ID 43_53, +/-22.4 acres

Parcel ID 43_54_1, +/-7.6 acres

Parcel ID 42_1, +/- 15 acres

Together these three parcels, which total roughly 45 acres on County Road, are located on either side of the entrance to The Preserve subdivision (partially constructed). The parcels making up Site #A are under ownership dispute due to questions of deed validity. The town hopes this dispute will be resolved in its favor.

Site #B, Parcel ID 41_2, +/-190 acres: This large parcel is owned by the Martha's Vineyard Land Bank and is located at 448 Barnes Road. The Affordable Housing Committee is discussing a potential land swap with the Land Bank for a portion of this parcel that abuts Site #4, above. The land swap would be with a +/- 24-acre land-locked town-owned parcel (Parcel ID 42-2; Site #6 on community workshop map).

Implementation Milestones:

- Town to explore potential for land swaps to gain access for sites as indicated above. Enter into discussions with abutters to assess viability of land swap potential.
- Fund preliminary feasibility studies on selected properties to evaluate development opportunities and prioritize sites to consider for public disposition for affordable housing development. CPA funds are often used for such purposes. Study could include community engagement component to share results and solicit further community feedback to identify short list of priority properties.
- With short list of priority properties (possibly narrowed to one or two sites), as identified through the preliminary feasibility studies, fund more thorough feasibility study to analyze physical and regulatory/legal characteristics of the sites to determine potential yield/density of development, best area of the site(s) to locate buildings, course of action to protect natural resources and mitigate any environmental impacts, remedy any site contamination, and any legal limitations (such as deed restrictions). This type of feasibility study can help to assist bidders in preparing accurate development budgets.⁹
- When one or more priority sites have been determined and development feasibility confirmed, the town, working through the Affordable Housing Committee with community feedback, would set project goals and establish guidelines for development that both reflects community character and addresses housing needs. Some considerations in setting project goals include target population, design guidelines (density, housing type, architectural style), price guidelines, and type of disposition (sale/ground lease).
- Seek Town Meeting approval for municipal property disposition and authorize Board of Selectmen to issue a Request for Proposals.
- Prepare and issue a Request for Proposals for disposition of municipal property. Follow property disposition requirements per MGL c.30B. RFP should anticipate that development would require a Comprehensive Permit per MGL c.40B. Select most responsive development proposal.

4. SEEK PRIVATE DONATIONS OF PROPERTY FOR DEVELOPMENT OF AFFORDABLE AND/OR MIXED-INCOME HOUSING

Private property owners have donated land for open space as well as affordable housing on the Island. Actively seeking such donations, working with the Martha's Vineyard Land Bank, Island Affordable Housing Trust, as well as directly with property owners through the local housing trust or affordable housing committee could result in donations of property for development or conversion of existing buildings to affordable housing.

⁹ An excellent source to help guide municipalities in offering municipal property for development of affordable housing is the Massachusetts Housing Partnership guidebook *Developing Affordable Housing on Public Land: A Guide for Massachusetts Communities*, 2005.

One possibility is to encourage private property owners to utilize the new Donation Tax Credit. As part of the Act Relative to Job Creation and Workforce Development (H.4569), the state created a Donation Tax Credit that provide a credit against Massachusetts income tax liability for property owners who donate existing housing properties or other structures for the conversion of housing to qualified non-profits that commit to long-term affordability. The credit is worth 50 percent of the donated value.

In addition, the town could explore working directly with the Martha's Vineyard Land Bank to negotiate donated private property for development of affordable housing and land conservation. The town is already working on the possibility of a land swap with the Land Bank for Site B (as describe above). Perhaps there could even be opportunities for in-town properties that could serve as pocket parks, community gardens, or other appropriate open space amenities as well as for affordable housing (either new construction or conversion of existing buildings).

According to the Land Bank's affordable housing policy and past examples of partnerships, the Martha's Vineyard Land Bank is open to encourage such partnerships to further both their core mission of land conservation as well as affordable housing. The affordable housing policy, which was adopted in 1989 and amended in 2009, states the following:

Throughout much of its recent history, Martha's Vineyard Island has experienced a shortage of affordable, year-round housing. It represents a public policy dilemma of significant proportions.

A variety of organizations has been chartered to plan for and develop affordable housing units for the Vineyard. The land bank has assisted these groups in the past . . . and wishes to continue to do so, even through the land bank performs an unrelated public duty and exerts no discernible impact on the unavailability of such housing.

The policy goes on to list specific policies regarding geographic non-competition, cooperative acquisitions, surplus buildings owned by the land bank, and willingness to consider support for an increase in the existing 2% transfer fee. In addition, the land bank policy states its willingness to serve as the fee collection agency, processing the fee and regularly delivering to the housing authority its allotted amount.

Implementation Milestones:

- Affordable Housing Committee/Housing Trust to work with the Martha's Vineyard Land Bank executive director, Town Advisory Board, and Commission to develop inventory of private properties in the community with potential to meeting both priority land conservation goals and opportunity for affordable housing development.
- Also, Affordable Housing Committee/Housing Trust to develop inventory of private properties that may pose potential for conversion and benefit from the Donation Tax Credit.
- Committee to reach out to owners of potential properties for conversion (as permitted per MGL c.30B) and to work closely with the Land Bank to prioritize any potential private sites of interest and collaborate with the land bank to negotiate with land owners at appropriate strategic times as opportunities arise.
- Work to get a member of the Affordable Housing Committee/Housing Trust on the Land Bank Town Advisory Board

Island-Wide Initiative Strategies

The following strategies are Island-wide initiatives. For these strategies to have maximum effect and success, it will be critical for each town on the Island to contribute with active support and coordinated efforts. Most of the Island-wide strategies would require special legislation, which will require a great deal of local political support to promote state adoption.

5. ADVOCATE FOR ADOPTION OF A HOUSING BANK THROUGH SPECIAL LEGISLATION TO INCREASE THE EXISTING REAL ESTATE TRANSFER FEE TO GENERATE REVENUE FOR THE CREATION OF AFFORDABLE HOUSING

The idea to create a housing bank, based on the Martha's Vineyard Land Bank, is not a new idea. Island residents have discussed this idea for well over a decade – the housing bank concept was approved in nonbinding form by all six towns in the spring 2005, but the bill was defeated by Massachusetts house of representatives in July 2006.¹⁰ Other municipalities have proposed such a real estate transfer fee for housing recently including Nantucket and Provincetown – both attempts appear stalled. Workshop participants in all towns expressed interest in pursuing this effort again, with some expressing concerns over likely success and effort required. Multiple workshop participants suggested trying for a more modest fee of 0.5 percent (in 2006, a 1 percent surcharge was proposed).

The housing bank could be modelled on the Martha's Vineyard Land Bank, which was established in 1986 and has conserved over 3,100 acres through revenue generated by a 2 percent surcharge on most real estate transfers occurring in the six towns. As described above, the Martha's Vineyard Land Bank has an affordable housing policy that expresses its willingness to consider support for an increase in the existing 2 percent transfer fee. In addition, the land bank policy states its willingness to serve as the fee collection agency.

Implementation Milestones:

- Work with other Island towns, the Martha's Vineyard Commission, Island housing organizations, and Martha's Vineyard Land Bank Commission to establish an Island housing legislation coalition (that could also work on other Island-wide strategies involving special legislation).
- Town meeting to consider adopting a local resolution to support housing bank legislation approval.
- Work with the coalition and the district's state senator and representative to sponsor the bill.¹¹
- Coalition to raise funds to support lobbying effort.

6. ADVOCATE FOR ADOPTION OF SPECIAL LEGISLATION TO CREATE A SEASONAL RENTALS EXCISE TAX

Currently any city or town is authorized by MA state law to:

"impose a local excise tax upon the transfer of occupancy of any room or rooms in a bed and breakfast establishment, hotel, lodging house or motel located within such city or town by any operator at a rate up to, but not exceeding, 6 percent of the total amount of rent for each such occupancy" (MGL Chapter 64G, Section 3A).

¹⁰ Fein, Ian, "State Defeats Housing Bank" *Vineyard Gazette*, July 31, 2006. <https://vineyardgazette.com/news/2006/07/31/state-defeats-housing-bank>

¹¹ Legislators for Dukes County at time of this writing (12/31/16): Senator Daniel A. Wolf and Representative Timothy R. Madden

Five of the six communities on the Vineyard currently impose a local room excise tax in accordance with this law. The towns of Aquinnah, Chilmark, and Edgartown impose a 4 percent tax while the towns of Oak Bluffs and Tisbury impose a 6 percent tax (Services 2014). The Town of West Tisbury doesn't currently impose a local room excise tax. However, MGL c.64G, s.3A doesn't currently allow for taxation of seasonal rental property.¹² Multiple attempts to allow for taxation of seasonal properties have been proposed recently including bills for the towns of Wellfleet, Provincetown, and Brewster.

Such special legislation, which could be proposed as a coordinated effort among all six towns, could potentially generate millions of dollars in revenue to support affordable housing initiatives on the Island. Workshop participants in all communities expressed some level of support for such an Island-wide initiative, which some participants expressing reservations about the effort and likely success of such an initiative.

Implementation Milestones:

- Work with other Island towns, the Martha's Vineyard Commission, and Island housing organizations to establish an Island housing legislation coalition (that could also work on other Island-wide strategies involving special legislation).
- Town meeting to consider adopting a local resolution to support seasonal rental excise legislation approval.
- Work with the coalition and the district's state senator and representative to sponsor the bill.
- Coalition to raise funds to support lobbying effort.

7. ADVOCATE FOR ADOPTION OF PROPERTY TAX INCENTIVES TO ENCOURAGE AFFORDABLE YEAR-ROUND RENTAL OF UNITS TO HOUSEHOLDS WITH UP TO 80 PERCENT AMI

The Island's housing issues are exacerbated by competing markets for limited housing stock. Time after time workshop participants expressed concern over lack of year-round rentals and the impact this housing issue has on retaining year-round workers including teachers, municipal employees, and others.

Based on the 2002 Special Act in Provincetown, the Island communities could participate in a coordinated Island-wide effort to submit similar legislation to create a local property tax incentive that waives property tax for rent units if rented year-round to low-income households. In Provincetown, according to information provided by the town's community housing specialist for FY2016, there were 116 affordable year-round rental units created as a result of this tax incentive. The average annual tax exemption per unit was \$858. These are units that otherwise may have been rented seasonally. While the tax incentive doesn't offset the funds that could be gained from weekly seasonal rentals, it does allow for up to 100% tax exemption if 100% of the property is rented year round to a household with income up to 80 percent AMI and helps to encourage the public to maintain year-round rentals. Note that property owners still pay property taxes on other units they own (including the unit they live in, if any).

The following is an excerpt from the 2002 Special Act for Provincetown:

¹² LDS Consulting Group, *Study on Martha's Vineyard Seasonal Rental*, prepared by Island Housing Trust, July 10, 2014.

SECTION 1. Notwithstanding any general or special law to the contrary, residential real estate in the town of Provincetown which is rented to and occupied by a person of low income, at a rental amount not exceeding the standards of the United States Department of Housing and Urban Development for low income persons, shall be exempt from taxation under chapter 59 of the General Laws.

SECTION 2. The exemption shall be equal to the tax otherwise due on the parcel based on the full and fair assessed value, multiplied by the square footage of the housing units rented to and occupied by a person or family of low income, divided by the total square footage of a structure located on the parcel. For rental housing, assessment of such property, if by an income approach to value, shall assume fair market rent for all units. To be eligible for exemption, the housing unit shall be leased to a low-income person at rents for the entire fiscal year for which the exemption is sought.

Implementation Milestones:

- Work with other Island towns, the Martha's Vineyard Commission, and Island housing organizations to establish an Island housing legislation coalition (that could also work on other Island-wide strategies involving special legislation).
- Coalition to consider options for design of tax incentive, potential impacts on local tax base, and monitoring needs (which could potentially be funded through the revenue generated).
- Town meeting to consider adopting a local resolution to support property tax incentive legislation approval.
- Work with the coalition and the district's state senator and representative to sponsor the bill.
- Coalition to raise funds to support lobbying effort.

8. SUPPORT CREATION OF AN ISLAND SEASONAL EMPLOYEE HOUSING TASK FORCE AND ITS INITIATIVES

By providing alternatives to house seasonal employees, more housing units could be available for potential year-round rentals. Local employers rely heavily on imported labor and the Islands labor force expanded by roughly over 4,600 employees in between January and July 2016¹³.

This strategy would not require special legislation, but would benefit from the support and involvement of all Island towns to create a task force that focuses on creating seasonal employee housing. Such a task force could bring together the business community to work collaboratively on these issues.

The task force could be created by the Martha's Vineyard Commission and include representation from business community and town officials. The task force could build on work of IHT's Workforce Housing Survey to further identify the housing needs for seasonal employees (e.g., how much, what kind, locations?). The task force could also explore feasibility of sites for potential dormitory/hotel-style housing perhaps with consideration given to land at the airport, as was mentioned by multiple workshop participants. Such dormitories may be able to incorporate off-season uses (such as homeless shelter and/or short-term housing for construction crews). The task force could also explore the possibility of proposing a sales tax for seasonal employee housing based on Breckinridge, Colorado model (0.125% sales tax).

¹³ MA Executive Office of Labor and Workforce Development, accessed 11/22/16.

Not only did workshop participants in all communities (with the exception of Chilmark) support this strategy, but the All Island Planning Board online housing survey (Fall 2016) respondents expressed support for the creation of dormitory housing for seasonal employees, which this task force could focus on implementing.

Implementation Milestones:

- Support an initiative led by the All Island Planning Board and Martha's Vineyard Commission to work with the Chamber of Commerce, local employers, other Island towns to establish an Island Seasonal Employee Housing Task Force.
- Task Force to sponsor study to further investigate housing needs for seasonal employees (e.g., how much, what kind) and identify appropriate locations to pursue development (or through reuse/ conversion of existing buildings) of seasonal employee housing.
- Task Force could nurture private collaborations of local business as well as possibility of other revenue generation such as adopting a sales tax.

9. EXPLORE CREATION OF AN ISLAND-WIDE OR SUB-REGIONAL HOUSING TRUST

An Island-wide or sub-regional housing trust would enhance the ability of Island communities to pool resources and coordinate housing efforts across the Island. Such a trust could have two main purposes: 1) collect housing revenues for regional use and 2) help coordinate and fund the implementation of the Housing Production plans.

Such a trust, whether truly Island-wide or established with a subset of towns as a sub-regional trust, could be a repository for housing funds generated through a seasonal rental excise tax, a real estate transfer fee (with administration possibly provided by the Martha's Vineyard Land Bank Commission), and perhaps a portion of some local CPA funds. The Island towns are already pooling local CPA funds to help create affordable housing on the Island including for the Island Housing Trust's Village Court Apartments in Tisbury and this could provide a streamlined mechanism to continue pooling funds.

Exploration of this strategy concept would involve working with the various towns interested in exploring this idea and should include defining potential Board of Trustees membership that has representation from the existing Municipal Affordable Housing Trusts, Affordable Housing Committees, and/or Community Preservation Committees of the towns involved in such a trust. In addition, the exploration would help to develop an allocation fund formula that the trust would use that could be based on established regional funding allocation models such as the County and/or Martha's Vineyard Commission Land Bank allocation formula.

Such a regional or sub-regional housing trust would require special legislation, which could be generally based on the Municipal Affordable Housing Trust statute (MGL c.44 s.55C). Although no other regional housing trusts are in existence yet in Massachusetts, the precedent is favorable with dozens of local trusts created through special legislation including a new local housing trust created in 2016 in Provincetown.

Implementation Milestones:

- Work with other Island towns, the Martha's Vineyard Commission, and Island housing organizations to establish an Island housing legislation coalition (that could also work on other Island-wide strategies involving special legislation). A subcommittee or task force of the coalition may be desirable to devote the focus that may be required to appropriately explore the option of creation of an Island-wide or sub-regional housing trust.
- Coalition to investigate and consider benefits and challenges of created such a trust, evaluate various options including Island-wide and sub-regional model(s), work with interested towns to explore and design recommendations for board membership, possible fund allocation formula, revenue sources, and potential administration needs (and potential for cooperation/collaboration with the Martha's Vineyard Land Bank to support administration).
- If indicated, after investigation conducted above, Coalition to propose special legislation for support by involved towns and ultimately by state legislature.

Local Regulatory Strategies

PURSUE REGULATORY OPPORTUNITIES TO CREATE AFFORDABLE HOUSING

Of all communities on Martha's Vineyard, Oak Bluffs has the least restrictive zoning for housing development. Some of the tools that other communities need to consider already exist in Oak Bluffs, yet the Town has housing development challenges at all market levels, especially affordable housing for low- or moderate-income people. The imbalance between housing supply and housing demand means that regulatory reform alone will not solve all of the island's affordable housing problems. Often, Chapter 40B is the best way to create affordable housing because of the design flexibility that comes with a comprehensive permit. However, zoning techniques to increase supply can, when paired with other actions, provide new opportunities for growing the affordable housing inventory.

10. REVISE ZONING FOR AFFORDABLE UNITS ON SUBSTANDARD LOTS

Oak Bluffs has a tool that is commonly considered "infill zoning" for affordable units. Section 4.3, Special Permit for Affordable Housing, authorizes the Planning Board to grant a special permit for an affordable unit on any lot to have at least 5,000 sq. ft. as long as the proposed construction meets certain requirements. That Oak Bluffs has already adopted this kind of zoning indicates that local officials have tried to be forward-thinking about regulatory techniques to create affordable housing. Some revisions to Section 4.3 could make it more effective for its intended purpose.

Infill zoning strategies create new opportunities for housing at a scale compatible with surrounding properties by allowing units that meet appropriate size and design standards to be built in between existing structures. Since the cost to build affordable units almost always exceeds the attainable sale price or rent that lower-income households can afford, an infill bylaw is unlikely to generate many new affordable units. However, it can make a critical difference for non-profit housing developers in search of low-cost land, and infill zoning can create a useful disposition strategy for tax title lots (which are often non-conforming properties.)

Oak Bluffs could consider the following changes to Section 4.3:

- Allow an affordable unit as of right on a nonconforming lot with at least 5,000 sq. ft.
- Establish front, side, and rear setbacks for infill lots
- Establish a parking buffer strip requirement along one of the side lot lines

- Limit the special permit to circumstances requiring some additional dimensional flexibility
- Allow a two-family dwelling on a non-conforming lot if one is deed restricted to be affordable at 50 percent AMI (the other could be market-rate)

Implementation Milestones:

- Develop an inventory of nonconforming lots by district (in order to illustrate the maximum potential of Section 4.3);
- Sample the nonconforming lots and their surroundings in different districts and different parts of town in order to determine appropriate setbacks;
- Seek technical assistance from the Martha's Vineyard Commission to draft proposed changes to Section 4.3;
- Planning Board must hold a public hearing in accordance with G.L. c. 40A, Sec. 5, prior to town meeting, and present a report and recommendations to town meeting;
- If town meeting approves amendments to Section 4.3, submit required documentation to Attorney General;
- Help the Island Housing Trust, Dukes County Housing Authority, and other mission-based developers to locate interested property owners with eligible lots;
- Work with Town Counsel or the Massachusetts Housing Partnership to develop standard documents (affordable housing deed restriction and requirements for an Affirmative Fair Housing Marketing Plan).

II. ZONE FOR MULTIFAMILY HOUSING

Section 7.3, Flexible Development. Creating multifamily housing is not easy in Oak Bluffs. The only explicit mechanism for doing so is Section 7.3, Flexible Development. The Flexible Development bylaw in Oak Bluffs is modeled after zoning that was first instituted in the Town of Groton in the early 1990s. The value of Section 7.3 as a tool for creating affordable housing is limited because:

- Flexible Development is available only by special permit;
- It applies only to parcels of five or more acres;
- The maximum number of units that can be created in a Flexible Development plan is the same number that could be built in a conventional plan;
- Except for the required affordable units in a project with ten or more units, Oak Bluffs requires each housing unit to meet the district's minimum land area requirement, which makes multifamily dwellings infeasible to build;
- Multifamily dwellings are limited to five units per building, so the zoning does not provide for economies of scale;
- The required affordable units are in addition to the number of units allowed in a conventional plan, but the developer must provide 25 percent of the units in a Flexible Development plan as affordable housing (10 percent low-income, 15 percent moderate-income) without any cost offsets;
- Density bonuses are awarded for projects that include additional open space or age-restricted housing, or a "transfer lot" – which provides the highest bonus – but there is no density offset for including affordable units.

The Town could make Flexible Development a more useful tool for affordable housing and multifamily housing by revising the bylaw in ways such as:

- Eliminate the special permit and use the bylaw to set the standards that have to be met for a "by right" Flexible Plan submitted under subdivision control – or under site plan review for projects not requiring a subdivision;

- Revise the density framework so that Flexible Developments with 25 percent affordable units will automatically qualify for at least two additional market-rate units for each affordable unit;
- Eliminate the five-unit restriction on multifamily dwellings;
- Reduce the parking requirement to one space for housing units with one bedroom and two spaces for units with two or more bedrooms;
- Create flexibility for the Planning Board to reduce the minimum open space requirement for projects that include affordable housing.

Multifamily Dwellings as an Allowed Use. Oak Bluffs could also provide for construction of multifamily dwellings outside of the Flexible Development process. Often, the most appropriate settings for multifamily housing are in villages or town centers and other types of neighborhood activity areas where the organic development pattern is a somewhat higher density than in other parts of town. In Oak Bluffs, areas already zoned for R1 or R2 development, or the Business districts, district, would be logical places to consider. For multifamily use, an average density standard of one unit per 2,000 sq. ft. of land in the R1 and R2 districts and one unit per 1,000 sq. ft. of land in the Business districts should be explored, and the trigger for including affordable units should be any multifamily development with five or more units, with one out of every four units being a deed-restricted affordable unit.

Implementation Milestones:

- Seek technical assistance from the Martha's Vineyard Commission to draft proposed changes to Section 7.3, the Table of Uses (Appendix A), the Table of Dimensional Requirements (Appendix B), and Section 7, Special Residential Regulations, where the Town should put any special site and building design regulations for multifamily use;
- Planning Board must hold a public hearing in accordance with G.L. c. 40A, Sec. 5, prior to town meeting, and present a report and recommendations to town meeting.
- If town meeting approves amendments, submit required documentation to Attorney General.
- Work with residential developers (public and private) to make use of the new provisions.
- Make multifamily dwellings constructed under the town's zoning a priority for financial assistance from the CPC and/or affordable housing trust;
- Work with Town Counsel or the Massachusetts Housing Partnership to develop standard documents (affordable housing deed restriction and requirements for an Affirmative Fair Housing Marketing Plan)

12. EASE THE REQUIREMENTS FOR ACCESSORY APARTMENTS

Accessory apartments are a permitted use in the R1, R2, and R3 districts, and the regulations in Section 3.4 are fairly permissive. Some adjustments might make this provision more useful to homeowners, such as:

- Eliminate the minimum 7,500 sq. ft. open space requirement and replace it with a minimum side yard buffer strip on the side of driveway side of the lot, with the buffer to be landscaped and prohibited from use for off-street parking;
- Increase the allowable floor area from 750 sq. ft. to 900 sq. ft. or not more than 30 percent of the gross floor area of the principal dwelling;
- Eliminate the minimum five-year residency requirement.

Implementation Milestones:

- Seek technical assistance from the Martha's Vineyard Commission to draft proposed changes to Section 3.4;
- Planning Board must hold a public hearing in accordance with G.L. c. 40A, Sec. 5, prior to town meeting, and present a report and recommendations to town meeting;

- If town meeting approves amendments to Section 4.3, submit required documentation to Attorney General;
- Provide public information and educational materials to Oak Bluffs residents about the opportunity to create an accessory apartment and a simple procedures checklist for interested applicants.

13. SPECIFICALLY PROVIDE FOR – AND MAKE IT EASY TO CREATE – MIXED-USE BUILDINGS IN THE BUSINESS DISTRICTS

The Oak Bluffs Zoning Bylaw does not specifically provide for housing above the ground floor of commercial buildings – informally known as “top of the shop” zoning. While there is a provision for converting existing structures to apartments, the density regulations are too restrictive and the bylaw is not clear about the effective date for interpreting the meaning of “existing structure.” It would be much easier for property owners to create upper-story housing in the Business districts if the zoning simply provided for mixed-use buildings. This can be done as follows:

- Amend the Table of Uses to include “Mixed-use development,” and add a definition for “mixed-use development” in Section 11;
- Create a new section in Section 7 to establish basic guidelines for upper-story housing;
- Allow dwelling units with an average density of one unit per 1,000 sq. ft.;
- Allow dormitory-style or single-room occupancy units at an average density of one per 500 sq. ft.;
- Consider requiring one out of four upper-story dwelling units to be affordable housing;
- Limit the parking requirement to a maximum of one space per dwelling unit and do not require any off-street parking for dormitory-style units.

Implementation Milestones:

- Seek technical assistance from the Martha’s Vineyard Commission to draft proposed changes for mixed-use development;
- Planning Board must hold a public hearing in accordance with G.L. c. 40A, Sec. 5, prior to town meeting, and present a report and recommendations to town meeting;
- If town meeting approves amendments to Section 4.3, submit required documentation to Attorney General;
- Provide public information and educational materials to Oak Bluffs business property owners about the opportunity to create upper-story housing and develop a simple procedures checklist for interested applicants.

14. CREATE A SPECIAL DISTRICT FOR THE LAGOON HEIGHTS AREA

An area along the northwest side of Oak Bluff facing Lagoon Pond has been suggested as a candidate for higher density zoning if sewer service is extended to this part of town. Known locally as Lagoon Heights, the neighborhoods in this area were originally created with 5,000 sq. ft. lots. Today, the minimum lot area is 10,000 sq. ft., so nearly all of the existing properties are nonconforming. However, there may be some larger lots that could be subdivided if the zoning reverted to a 5,000 sq. ft. minimum, and there also may be smaller parcels that could be combined to create new 5,000 sq. ft. lots. The district could provide special regulations to allow small-lot development at a higher density if dwellings are set back from the water, thereby creating housing that cannot be built today while also preserving views and providing for more separation between residences and the pond. While creating new zoning for the Lagoon Heights area may not be fully achieved within the five-year implementation cycle for this Housing Production Plan, planning and feasibility studies could be completed and would help to inform the Town’s thinking about the merits of creating a new district.

Implementation Milestones:

- Seek assistance from the Martha's Vineyard Commission for a multi-phase project: first, to prepare an area plan for the Lagoon Heights area (study area bounded by Lagoon Pond on the west, County Road on the east, Lagoon Road to the north, and Pennsylvania Avenue to the south); second, to determine the environmental ramifications of increasing development in this area, especially given the need for nitrogen load reduction in this part of town; and third, to create new zoning (if appropriate).
- Planning Board must hold a public hearing in accordance with G.L. c. 40A, Sec. 5, prior to town meeting, and present a report and recommendations to town meeting.
- If town meeting approves amendments, submit required documentation to Attorney General.
- Work with property owners and residential developers (public and private) to make use of the new provisions.

15. ADOPT VISITABILITY DESIGN STANDARDS

Zoning that specifically calls for "visitability" by design would help to accommodate seniors and people with disabilities, and others with a need for barrier-free housing. Basic features of visitable housing design standards:

- Single-family, two-family, and townhouse units shall provide for:
 - At least one zero-step entrance,
 - Doorways with a 36-inch clear passage space,
 - Master bedroom and an accessible bathroom located on the same floor as the kitchen, living room, and dining room, all being on the same floor as the zero-step entrance, and
 - Indoor or structured parking.
- Independent living units and assisted living facilities shall comply with the accessibility requirements of the Massachusetts Architectural Access Board.
- Outdoor facilities, such as walkways, gardens, and recreation areas, shall be designed for universal access.
- Standards such as these can be adopted as part of a special permit process for multifamily housing, residential cluster developments, or zoning for assisted living facilities (which are required to meet guidelines set by the Department of Elder Affairs, too).

Implementation Milestones:

- Seek technical assistance from the Martha's Vineyard Commission to draft proposed visitability design standards.
- Planning Board must hold a public hearing in accordance with G.L. c. 40A, Sec. 5, prior to town meeting, and present a report and recommendations to town meeting;
- If town meeting approves zoning amendments, submit required documentation to Attorney General.

Action Plan

#	Housing Strategies	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	Responsible Entity	Supporting Entities
1	Increase allocations of local Community Preservation Act funds to create affordable housing						Community Preservation Committee	Affordable Housing Committee and Town Meeting
2	Allocate funds for wastewater infrastructure expansion						Wastewater Commissioners/ Board of Selectmen/ Community Preservation Committee	Affordable Housing Committee and Town Meeting
3	Offer municipal property at little or no cost for development of affordable and/or mixed-income housing						Affordable Housing Committee/ Trust	Board of Selectmen and Town Meeting
4	Seek private donations of property for development of affordable and/or mixed-income housing						Affordable Housing Committee/ Trust	Board of Selectmen and Town Meeting
5	Advocate for adoption of special legislation to increase the existing real estate transfer fee to promote creation of affordable housing						Affordable Housing Committee	Board of Selectmen and Town Meeting
6	Advocate for adoption of special legislation to create a seasonal rentals excise tax						Affordable Housing Committee	Board of Selectmen and Town Meeting
7	Advocate for adoption of property tax incentives to encourage affordable year-round rental of units to households with up to 80 percent AMI*						Affordable Housing Committee	Board of Selectmen and Town Meeting
8	Support creation of an Island Seasonal Housing Task Force and its initiatives						Martha's Vineyard Commission	Board of Selectmen
9	Explore creation of an Island-wide or sub-regional housing trust						Affordable Housing Committee	Community Preservation Committee; Board of Selectmen; and Town Meeting
10	Revise zoning for affordable units on substandard lots						Planning Board	Town Meeting
11	Zone for multifamily housing						Planning Board	Town Meeting
12	Ease the requirements for accessory apartments						Planning Board	Town Meeting
13	Specifically provide for – and make it easy to create – mixed-use buildings in the Business districts						Planning Board	Town Meeting

14	Create a special district for the Lagoon Heights area					Planning Board	Town Meeting
15	Adopt visitability design standards					Planning Board	Town Meeting

Note: lighter shade indicates strategies that are ongoing and/or should be implemented as opportunities arise, rather than a specific schedule.

CHAPTER 4

DEMOGRAPHIC PROFILE

Key Findings

- Oak Bluffs has the largest total year-round population of the Island's six towns with an estimated 4,599 residents, which is about 27 percent of the total Island year-round population.
- Oak Bluffs' year-round population is growing the most of all Island towns with a projected population increase of about 28 percent between 2010 and 2035.
- The age composition is changing: there is expected to be less working-age population and children with growth of older adults.
- The older adult population are estimated to have a significantly lower median income than older-adults county-wide.
- Oak Bluffs' year-round population mostly identifies racially as white, but there is more ethnic diversity in Oak Bluffs' year round population than most other Island communities with about 10 percent of foreign-born population – mostly from European countries, particularly Ireland and Poland.
- About 38 percent of Oak Bluffs' year-round households have low/moderate income. The thresholds for low/moderate income are based on household size – in the Dukes County area, the income threshold for a two-person household to have low/moderate income, for example, would be \$52,600.

The 2013 Housing Needs Assessment recognized the following demographic trends:

- Increasing growth of population on the Island – this report finds modest population growth on the Island overall but this growth is inconsistently distributed among the Island's communities, with Aquinnah losing the most population and Oak Bluffs gaining the most.
- Declining numbers of younger residents and increases in older ones – this report finds this trend is continuing.
- Increasing number of smaller households – this report finds that average household sizes have increased in more recent years, with larger households forming and less households overall despite Island-wide population growth.

- Relatively high median incomes, with disparities for those who rented and those who owned their homes – this finding of disparity is consistent with this reports findings, but median income overall is comparable to the state’s median income
- A significant number of households earning lower income, which this report also finds.

Population Growth & Change

TOTAL POPULATION CHANGE

Oak Bluffs has the largest year-round population of the Island's six towns, with an estimated 4,599 residents in 2014. Oak Bluffs' population grew significantly between 1970 and 2010 from 1,385 people to 4,527. In 1970, Oak Bluffs' population was roughly 23 percent of Dukes County's and in 2010 was almost 28 percent of the county's population. Dukes County includes all six towns on Martha's Vineyard as well as the Town of Gosnold (encompassing the Elizabeth Islands).¹⁴

According to the UMass Donahue's population projections, the population is expected to continue to grow substantially from about 4,599 residents in 2014 to about 5,904 in 2035. The county projections anticipate modest growth of 6 percent and 3 percent in total population respectively between 2014 and 2030 and 2030 and 2035.

TABLE 4.1: POPULATION CHANGE 1930-2014 & 2035 PROJECTIONS

Year	OAK BLUFFS		DUKES COUNTY	
	Population	% Change	Population	% Change
1930	1,333	--	4,953	--
1940	1,584	18%	5,669	14%
1950	1,521	-3%	5,633	-1%
1960	1,419	-7%	5,829	3%
1970	1,385	-2%	6,117	5%
1980	1,984	43%	8,942	46%
1990	2,804	41%	11,639	30%
2000	3,713	32%	14,987	29%
2010	4,527	22%	16,460	10%
2014	4,599	2%	16,816	2%
2035 projected	5,904	28%	18,453	10%

Source: Martha's Vineyard Housing Needs Assessment 2013; 2010-2014 American Community Survey, as provided by MVC; Massachusetts Population Projections, UMass Donahue Institute, as provided by MVC. Note: ACS data based on samples and are subject to variability

¹⁴ Note, the total estimated population of Gosnold per the 2014 ACS is only 99 people.

AGE COMPOSITION

The age composition of Oak Bluffs population is representative of the county as a whole. The estimated Oak Bluffs median age of 46.4 years per the 2014 ACS was slightly older than the county median of 45.7. In 2000, Oak Bluffs median age was 39.4 and the county was 40.7.

In 2000 and 2014, about 25 percent of Oak Bluffs population was age nineteen and younger. In 2000, about 61 percent of the population was between ages twenty and sixty-four years; whereas, in 2014, the twenty to sixty-four age cohort decreased to about 50 percent of the total population. In 2000, only about 14 percent of the total population was age sixty-five years and over, but in 2014 this cohort is estimated to have grown to about 25 percent of the population. According to the UMass Donahue population projections, the older adult population sixty-five years and over is expected to continue to grow to about 30 percent of the total population by 2035. The 2035 projections for the county indicate the over age sixty-five population will constitute about 29 percent of the total population.

TABLE 4.2: AGE DISTRIBUTION 2000-14 & 2035 PROJECTIONS

Age	2000				2014				2035 projection			
	OAK BLUFFS		DUKES COUNTY		OAK BLUFFS		DUKES COUNTY		OAK BLUFFS		DUKES COUNTY	
	Est.	%	Est.	%	Est.	%	Est.	%	Est.	%	Est.	%
under 19	913	25%	3,665	25%	1,168	25%	3,597	21%	1,026	17%	3,492	19%
20 to 64	2,251	61%	9,169	61%	2,314	50%	10,263	61%	3,133	53%	9,622	52%
65 +	549	14%	2,153	14%	1,168	25%	3,055	18%	1,745	30%	5,339	29%
Total	3,713	100%	14,987	100%	4,599	100%	16,915	100%	5,904	100%	18,453	100%
Median Age	39.4		40.7		46.4		45.7		---		---	

Source: Martha's Vineyard Housing Needs Assessment 2013; US Census 2000; 2010-2014 American Community Survey, as provided by MVC; Massachusetts Population Projections, UMass Donahue Institute, as provided by MVC. Note: ACS data based on samples and are subject to variability

RACIAL COMPOSITION

The 2014 estimates indicate that about 94 percent of Oak Bluffs' total population identifies racially as white alone, which is almost equivalent to the county-wide figure: approximately 94 percent of the total county population identifies as racially white alone as well. About 2.6 percent of the total population identifies racially as black/African American, less than 0.25 percent identifies as American Indian/Alaska Native, and about 2.4 percent of the population identifies as Asian alone.

The largest decrease between 2000 and the 2014 estimates in non-white population in Oak Bluffs was the American Indian/Alaska Native population, decreasing 409 percent. The largest increase in Oak Bluffs in non-white population and in the county between 2000 and the 2014 estimates is the population identifying as Asian alone with a 78 percent increase in the town and a 119 percent increase in the county.

TABLE 4.3: RACIAL COMPOSITION, 2000-14

	OAK BLUFFS			DUKES COUNTY		
	2000	2014	% Change 2000-14	2000	2014	% Change 2000-14
Population of one race	3554	4599	23%	14,509	16,673	15%
White	3220	4330	26%	13,592	15,975	18%
Black or African American	160	120	-33%	359	305	-15%
American Indian and Alaska native	56	11	-409%	256	110	-57%
Asian alone	25	112	78%	69	151	119%
Native Hawaiian and other Pacific Islander	0	0	0%	11	0	-100%
Some other race	93	26	-258%	222	132	-41%
Population of two or more races	159	0	-159%	478	242	-49%
Total population	3713	4599	--	14,987	16,915	--

Source: US Census 2000, 2010; Martha's Vineyard Housing Needs Assessment 2013; 2010-2014 American Community Survey; Massachusetts population projections, UMass Donahue Institute. Note: ACS data based on samples and are subject to variability

FOREIGN-BORN POPULATION

The 2014 estimated population of foreign-born residents was about 10 percent of Oak Bluffs' total population and about 7 percent of the county's population. Close to half of the foreign-born population in Oak Bluffs originated from Europe, mostly Ireland and Poland. About 24 percent originated from Cambodia – all 112 people born in Cambodia who are estimated to live in the county live in Oak Bluffs. About 27 percent of the foreign-born residents in Oak Bluffs originated from Brazil.

TABLE 4.4: NATIONAL ORIGIN OF FOREIGN-BORN POPULATION, 2014

	OAK BLUFFS		DUKES COUNTY	
	Estimate	%	Estimate	%
Total Foreign Born Persons:	466	100%	1,260	100%
Europe:	229	49%	487	39%
Northern Europe:	118	52%	199	41%
United Kingdom (<i>excluding England and Scotland</i>)	14	12%	30	15%
England	0	0%	35	18%
Ireland	104	88%	108	54%
Denmark	0	0%	1	1%
Sweden	0	0%	25	13%
Western Europe:	0	0%	97	20%
Austria	0	0%	72	74%
France	0	0%	7	7%

	Germany	0	0%	7	7%
	Netherlands	0	0%	11	11%
Southern Europe:		0	0%	43	9%
	Portugal	0	0%	43	100%
Eastern Europe:		111	48%	148	30%
	Bulgaria	17	15%	17	11%
	Czechoslovakia (incl. Czech Republic and Slovakia)	0	0%	2	1%
	Hungary	0	0%	2	1%
	Poland	73	66%	103	70%
	Romania	0	0%	3	2%
	Russia	21	19%	21	14%
Asia:		112	24%	165	13%
Eastern Asia:		0	0%	41	25%
	China	0	0%	30	73%
	China, excluding Hong Kong and Taiwan	0	0%	30	73%
	Japan	0	0%	3	7%
	Korea	0	0%	8	20%
South Eastern Asia:		112	100%	112	68%
	Cambodia	112	100%	112	100%
Western Asia:		0	0%	12	7%
	Lebanon	0	0%	12	100%
Americas:		125	27%	608	48%
Latin America:		125	100%	593	98%
Caribbean:		0	0%	81	14%
	Barbados	0	0%	11	14%
	Jamaica	0	0%	70	86%
South America:		125	100%	512	86%
	Brazil	125	100%	512	100%
Northern America:		0	0%	15	2%
	Canada	0	0%	15	100%

Source: 2010-2014 American Community Survey Note: ACS data based on samples and are subject to variability

RESIDENCE ONE YEAR AGO

Residents in Oak Bluffs tend to move somewhat more than residents in that county. Roughly 93 percent of Oak Bluffs' total population lived in the same house one-year prior per the 2014 ACS estimate. Also, about 93 percent of the total county population lived in the same house one-year prior to the estimate. Most of

the population that moved to their current home in the past year, just over 3 percent of the total population, moved from Massachusetts but not from the same county (so from off-Island). Just under 3 percent moved from a different state.

TABLE 4.5: GEOGRAPHIC MOBILITY: RESIDENCE ONE YEAR AGO, 2014

	OAK BLUFFS		DUKES COUNTY	
	Units	%	Units	%
Total	4,678	100%	16,516	100%
Same Home	4,344	93%	15,394	93%
Same County	57	1.2%	330	2%
Same State	144	3.1%	231	1.4%
Different State	133	2.8%	429	2.6%
Abroad	0	0%	132	.8%

Source: 2010-14 American Community Survey Note: ACS data based on samples and are subject to variability

Household Characteristics

Overall number of households in Oak Bluffs is estimated to have increased between 2000 and 2014 from 1,590 households in 2000 to 1,824 households in 2014 while average household size increased from 2.33 to 2.47 persons per household. Per the 2014 ACS estimates, average household size in Oak Bluffs was smaller than county wide (2.86) and statewide (2.53).

About 72 percent of Oak Bluffs' households are family households - a larger percentage of family households than the county, which has an estimated 66 percent of family households. Statewide, about 78 percent of households are family households.

Between 2000 and 2014, the estimates indicate a significant increase in the percentage and number of family households (from about 57.5 percent in 2000 and 72 percent in 2014 and from 915 households in 2000 and 1,309 in 2014).

Per the 2014 ACS estimates, Oak Bluffs has close to the same estimated percentage of family households with children under eighteen (25 percent of total households) as the county (26 percent), a comparable percentage of single-person households (about 27 percent in Oak Bluffs and 29 percent in the county), and a larger percentage of older adults living alone (18 percent in Oak Bluffs and 13 percent in the county). In both the town and the county, the number and percentage of people age sixty-five and over living alone declined substantially.

The percentage of family households with children declined from close to 28 percent of total households to 25 percent and the absolute number of families with children increased moderately from 441 to 459. Whereas county-wide, the number and percentage of family households with children decreased from about 28 percent to about 26 percent and from about 1,824 to 1,535 families with children.

TABLE 4.6: HOUSEHOLD CHARACTERISTICS 2000 & 2014

	OAK BLUFFS				DUKES COUNTY			
	2000		2014		2000		2014	
Household Type	#	%	Est	%	#	%	Est	%
Total households	1,590	100.0%	1,824	100%	6,421	100.0%	5,839	100.0%
Total family households	915	57.5%	1,309	72%	3,791	59.0%	3,863	66%
Family households with related children under 18 years	441	27.7%	459	25%	1,824	28.4%	1,535	26%
Male householder, no wife present with own children	NA	--	9	0%	NA	--	13	<1%
Female householder, no husband present with own children	95	21.5%	139	8%	384	21.1%	584	10%
Nonfamily households	675	42.5%	515	28%	2,630	41.0%	1,986	34%
Householder living alone	519	32.6%	492	27%	2,054	32.0%	1,675	29%
65 years and over living alone	207	39.9%	10	18%	715	34.8%	96	13%
Average household size	2.33		2.47	--	2.30	--	2.86	--
Average family size	2.94		3.03	--	2.91	--	3.39	--

Source: US Census Decennial Census 2000; 2010-14 American Community Survey Note: ACS data based on samples and are subject to variability ACS 2010-14

HOUSEHOLD TENURE

About 22 percent of households in Oak Bluffs rent their home and about 78 percent own their home. Although comparable to the county as a whole, Oak Bluffs' percentage of renter households is much smaller than the state as a whole where about 38 percent of households rent per the 2014 ACS estimates.

TABLE 4.7: HOUSEHOLD HOUSING TENURE, 2014

Tenure Type	OAK BLUFFS	DUKES COUNTY
Own	1,425	4,552
Rent	399	1,281
Total	1,824	5,839
% Own	78%	78.06%
% Rent	22%	21.94%

Source: 2010-14 American Community Survey Note: ACS data based on samples and are subject to variability

HOUSEHOLD INCOME DISTRIBUTION

In past decades, Oak Bluffs median household income has been lower than most of the other Island towns, however the 2014 ACS estimates indicate that Oak Bluffs' median household income is the highest on the Island at \$80,225, well over the median of \$65,518 for Dukes County. It is possible, perhaps likely, that this jump in median income is due to sampling error and not indicative of a change in income distribution. According to the 2014 estimates, West Tisbury has the second highest median household income of \$73,843 and Chilmark has the third highest at \$67,813. Tisbury has the lowest median household income of \$42,727. The Massachusetts median household income is estimated to be \$67,846 per the 2014 ACS, most comparable to Chilmark.

TABLE 4.8: MEDIAN HOUSEHOLD INCOME 1990-2014

	MEDIAN INCOME						
	Aquinnah	Chilmark	Edgartown	Oak Bluffs	Tisbury	West Tisbury	Dukes County
1990	18,250	34,375	36,285	31,117	28,281	32,422	31,994
2000	45,208	41,917	50,407	42,044	37,041	54,077	45,559
2010	57,500	72,917	67,625	59,156	58,551	71,667	62,407
2014	65,833	67,813	56,911	80,225	42,727	73,843	65,518

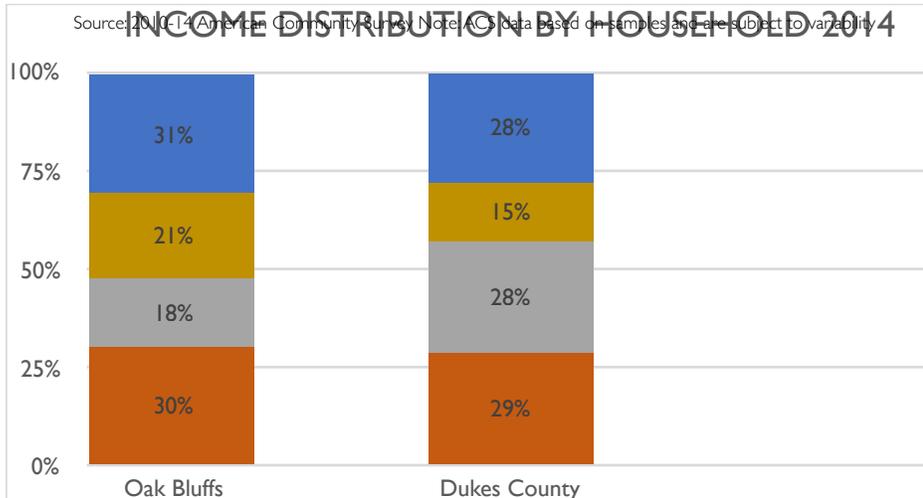
Source: Martha's Vineyard Housing Needs Assessment 2013; 2010-14 American Community Survey Note: ACS data based on samples and are subject to variability

About 31 percent of total households in Oak Bluffs have incomes of \$100,000 or over, which is slightly higher than the county. The town also has a larger share (21 percent) of households with income between \$75,000 and \$99,999, compared with the county at 15 percent.

TABLE 4.9: HOUSEHOLD INCOME DISTRIBUTION, 2014

Income Level	OAK BLUFFS		DUKES COUNTY	
	# of Households	% of Households	# of Households	% of Households
less than 34,999	550	30%	1,669	29%
\$35,000 to 74,999	336	18%	1,639	28%
\$75,000 to 99,999	379	21%	847	15%
\$100,000 +	559	31%	1,684	28%
Total	1,824	100%	5,839	100%

Source: 2010-14 American Community Survey Note: ACS data based on samples and are subject to variability ACS 2010-14. As provided by MVC.



Households with younger and older householders will typically have lower incomes than households with householders in the middle (between twenty-five and sixty-four years of age) as seen for the estimated median income for Dukes County households by age of householder where the estimated median income for all households is \$65,518 but households with a householder less than twenty-five years of age have an estimated median income of \$50,114, and those with householder over sixty-five years have an estimated median income of only \$41,875 – a gap of about \$15,400 and \$23,600 respectively. In Oak Bluffs, per the 2014 estimates, households with a householder over sixty-five had a significantly lower estimated median income of \$29,440 compared with the median household income for all ages of \$80,225.

TABLE 4.10: MEDIAN INCOME DISTRIBUTION BY AGE OF HOUSEHOLDER 2014

	OAK BLUFFS	DUKES COUNTY
Total:	Estimate	Estimate
Under 25 years	-	\$50,114
25 to 44 years	\$93,938	\$73,310
45 to 64 years	\$96,543	\$74,188
65 years and older	\$29,440	\$41,875
Median income for all ages	\$80,225	\$65,518

Source: 2010-14 American Community Survey Note: ACS data based on samples and are subject to variability

The median income of renter households is often lower than for owner households and this holds true at both the county and local level. The estimated 2014 median home owner household income in the county is \$69,827 and in Oak Bluffs is \$81,784; the estimated median for renter households in the county is \$46,544 and in Oak Bluffs is \$51,310. Both estimated 2014 median home owner household income in Oak Bluffs and median renter household income is higher than the median in the county.

TABLE 4.11: MEDIAN INCOME BY TENURE, 2014

Median Income	OAK BLUFFS	DUKES COUNTY
---------------	------------	--------------

Owner	\$81,784	\$69,827
Renter	\$51,310	\$46,544
Source: 2010-14 American Community Survey Note: ACS data based on samples and are subject to variability		

Poverty

Oak Bluffs had a comparable share of its population, particularly children, living in households with income below the federal poverty thresholds as compared to the county and the state. Per the 2014 weighted average federal poverty thresholds, a household of three is below the poverty threshold if household income is at or below \$18,850.¹⁵ In Oak Bluffs, per the 2014 ACS estimates, close to 11.5 percent of total population were living in households with incomes below poverty thresholds and more than 12 percent of children under age eighteen years.

In Massachusetts, per the 2014 ACS, about 11.5 percent of the total population were living in households with incomes below poverty thresholds and about 15 percent of total children under age eighteen years. In Dukes County, about 11 percent of the total population were living in households with incomes below the poverty thresholds and about 16 percent of total children in the county.

Homelessness

Martha's Vineyard reported six unsheltered individuals, three sheltered individuals, and five sheltered family members in a motel for a total of fourteen for the federal Point in Time Count 2016.¹⁶ Between January and March 2016, Hospitality Homes (HH) provided winter shelter for twenty-two individuals – eighteen men and four women. There are no other shelters on the Island.

A total of forty-seven individuals (thirty-two men and fifteen women) and eight families have been identified by the Housing Assistance Corporation (HAC) as homeless between January and June 2016, including the individuals who slept at HH. However, these figures do not include residents who are involved with the "summer shuffle" and who are displaced temporarily for the summer months while their housing is used as short term rentals for tourists.

Homeless individuals on the Vineyard are challenging to house because they often have limited income, no positive rental history, and no assets. In addition, the majority have chronic physical and/or emotional handicaps, complex needs, and trauma histories. Approximately 75 percent of this population have a history of current or previous addiction to drugs or alcohol. 63 percent of the homeless individuals presenting at the Housing Assistance Corporation Office in Vineyard Haven have a diagnosed disability, including Traumatic Brain Disorder, Asperger's Syndrome, chronic heart condition, HIV/Aids, physical handicap, emotional disability, or cognitive impairment. Many of these individuals would benefit from a supportive housing situation with case management services.

Of the eight families that identified as homeless, two were domestic violence situations, six had young or school age children, and two were employed married couples. Four individuals had been awarded

¹⁵ 2016 Federal Poverty Thresholds <http://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-thresholds.html>, accessed 12/29/16.

¹⁶ The homelessness information was provided by Karen Tewhey, HCEC Housing Counselor, Housing Assistance Corporation. On Cape Cod.

Massachusetts Rental vouchers that would pay for a one-bedroom apartment up to \$1088/month, but remained homeless because of the total lack of affordable apartments on the Island.

Disability

Per the 2014 ACS, Oak Bluffs and county estimates of population with physical or cognitive disabilities, with about 7 percent in Oak Bluffs and 8 percent in the county, were less than the estimated statewide population with disabilities (about 12 percent).

TABLE 4.12: POPULATION BY ESTIMATED DISABILITY STATUS 2014

	OAK BLUFFS			DUKES COUNTY		
	Non-institutionalized civilian population estimated	With disability estimated	% of population estimated	Non-institutionalized civilian population estimated	With disability estimated	% of population estimated
Under 18	1,034	21	<1%	3,177	43	0%
18-64	2,448	108	2%	10,649	595	4%
65 +	1,061	201	4%	2,997	624	4%
Total	4,543	330	7%	16,823	1,262	8%

Source: 2010-14 American Community Survey Note: ACS data based on samples and are subject to variability

Economic Characteristics

A significant economic difference apparent on the Island in comparison to statewide, is that there is a prevalence of self-employed workers in all Island towns. Statewide, the 2014 ACS estimates indicate that only 6 percent of all workers age sixteen years and older are self-employed, yet about 19 percent of all workers in Dukes are self-employed and about 22 percent in Oak Bluffs are self-employed.

Roughly 51 percent of Oak Bluffs' total labor force is employed in the services sector, which includes professional, scientific, management, administrative, entertainment, food, accommodations, and other services. About 45 percent of Dukes County labor force is employed in the services sector. About 11 percent is employed in construction in Oak Bluffs and about 16 percent in construction in the county. About 14 percent in the town and 12 percent in the county are employed in wholesale/retail trade.

TABLE 4.13: EMPLOYMENT BY SECTOR 2015

Industry	OAK BLUFFS		DUKES COUNTY	
Services	1,134	51%	3,950	45%
Construction	232	11%	1,408	16%
Wholesale & Retail Trade	302	14%	1,049	12%
Finance, Insurance, Real Estate	199	9%	937	11%
Manufacturing	180	8%	329	4%
Government	21	1%	384	4%
Transportation, Warehousing	42	2%	211	2%
Information	0	0%	316	4%
Agriculture, Forestry, Fishing	96	4%	180	2%
Total civilian employed population >16 years and older	2,206	100%	8,764	100%

Source: MA Executive Office Of Labor and Workforce Development. As provided by MVC

The unemployment rate in Oak Bluffs is less than county wide – per the EOLWD 2015 figures, Oak Bluffs' unemployment rate was 6.5 percent and the county was 6.9 percent. However, as expected in a resort area, the average January unemployment rate is higher than the annual rate – 11.4 percent for the town and 12 percent for the county – the town January rate is lower than countywide.

TABLE 4.14: AVERAGE EMPLOYMENT 2015

	OAK BLUFFS	DUKES COUNTY
Labor Force	2,521	9,328
Employed	2,357	8,688
Unemployed	164	640
Area Unemployment Rate	6.5%	6.9%
MA Rate	5%	5%
Average January Unemployment Rate Area	11.4%	12%
Average January Rate MA	5.8%	5.8%

Source: MA Executive Office Of Labor And Workforce Development

EDUCATIONAL ATTAINMENT

Per the 2014 ACS estimates, Oak Bluffs residents have attained comparable education levels as residents county-wide. About 41.5 percent of Oak Bluffs' population twenty-five years and over have a Bachelor's degree or higher; whereas about 41 percent county-wide have a Bachelor's degree or higher. About 40 percent of the statewide population twenty-five years and over has a Bachelor's degree or higher.

CHAPTER 5

LOCAL HOUSING CONDITIONS

Key Findings

- Only 1 percent of all housing units in Oak Bluffs are listed as vacant. While this is a low vacancy rate, it is the highest of all the towns on Martha's Vineyard.
 - Fifty-six percent all housing units in Oak Bluffs are categorized as being for seasonal or recreational use.
 - The percentage of year-round residents who moved into their present home in Oak Bluffs after 2000 is much higher than that for all of Martha's Vineyard.
 - Fifty-five percent of all year-round homeowners in Oak Bluffs spend more than 30 percent of their household income on housing costs.
 - During the Great Recession, Oak Bluffs had the highest rate of foreclosure petitions of any town on Martha's Vineyard.
 - Oak Bluffs has a substantial amount of affordable rental housing for low-income seniors and people with disabilities.
-

Housing Supply and Vacancy Trends

OVERVIEW

Oak Bluffs is home to 4,654 housing units, of which 1,824 (39 percent) are occupied year round and 2,631 (56 percent) are occupied seasonally.¹⁷ Of the year-round occupied housing units in Oak Bluffs, 1,425 (78 percent) are owner-occupied and 399 (22 percent) are renter occupied.¹⁸ As of the most recent American Community Survey Five-Year Estimates (2010-2014), there were only thirty-four vacant and available non-seasonal units (1.8 percent) in Oak Bluffs, which is a relatively small figure. However, it is the highest vacancy rate of the six towns that make up Martha's Vineyard.

PERMIT ACTIVITY

The U.S. Census Building Permit Survey reports that in 2015, Oak Bluffs issued building permits for twenty-three new single family units and two two-family units (one building) with a total construction cost of \$16,136,000. In 2005, the Town issued building permits for forty-nine single-family units with a total construction cost \$10,960,873. These figures demonstrate a ten-year (2005-2015) annual decrease of 2.5 units and a 4.72 percent increase in construction costs, suggesting nearly a two hundred percent increase in the average construction cost for a new housing unit.¹⁹

Residential Property Characteristics

¹⁷ US Bureau of the Census, American Community Survey (ACS) 2010-14, "B25004: Vacancy Status" and "B25001: Housing Units".

¹⁸ ACS 2010-14, "B25003: Tenure."

¹⁹ U.S. Census Bureau Building Permits Survey, Permits by County or Place, and RKG Associates, Inc.

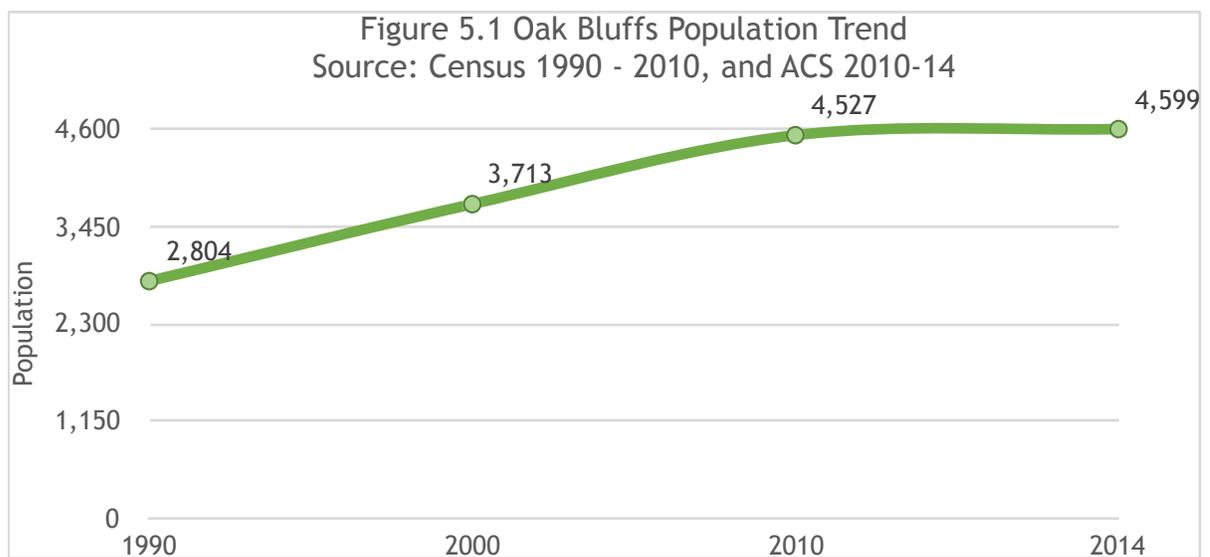
Oak Bluffs spans a total of 4,982 acres and is made up of 5,166 parcels, of which, 83 percent of those parcels are dedicated to residential uses. Table 5.1 shows that the most type of development in Oak Bluffs is single-family homes, comprising 30 percent of the land area. Condominiums and two-family homes comprise a very small percentage of the land, at only 3 percent. Land that could potentially be utilized for residential development makes up about 12 percent of the land in Oak Bluffs.

TABLE 5.1 RESIDENTIAL LAND USE

Use Type	Percent of Land	Count	Average Acreage	Average Value
Single-Family	30%	3,318	0.46	\$569,527
Condominium	2%	81	1.18	\$368,914
Two-Family	1%	115	0.45	\$532,722
Three-Family	0%	9	0.39	\$1,032,033
Mixed Use (Primarily Residential)	0%	47	0.34	\$656,091
Multiple Homes on One Parcel	4%	220	0.84	\$819,950
Apartments	0%	3	0.27	\$1,301,933
Potentially Developable Residential Land	12%	500	1.24	\$278,257
Other Non-Residential Uses	50%	873	2.86	\$543,736

Source: MassGIS, 2015

Population Trends



Oak Bluffs is one of the largest communities on Martha's Vineyard. Since 1990, the population of has grown by 64 percent, or 1,795 residents.²⁰ Over the course of nearly 25 years the continued population growth has affected both the market supply and demand for housing in the town.

Trends in Property Values

Reviewing trends in residential parcel assessments and values for single-family homes provides perspective on what is occurring with housing costs within the local real estate market. Data from the Massachusetts Department of Revenue (DOR) provides insights on assessed values, average single-family home value, tax rates, and tax bills for each municipality in the Commonwealth. For this analysis, a thirteen-year time period was used to better understand how values have changed, particularly before, during, and after the Great Recession.

TABLE 5.2 RESIDENTIAL ASSESSED VALUE AND TAX RATES (FY16)

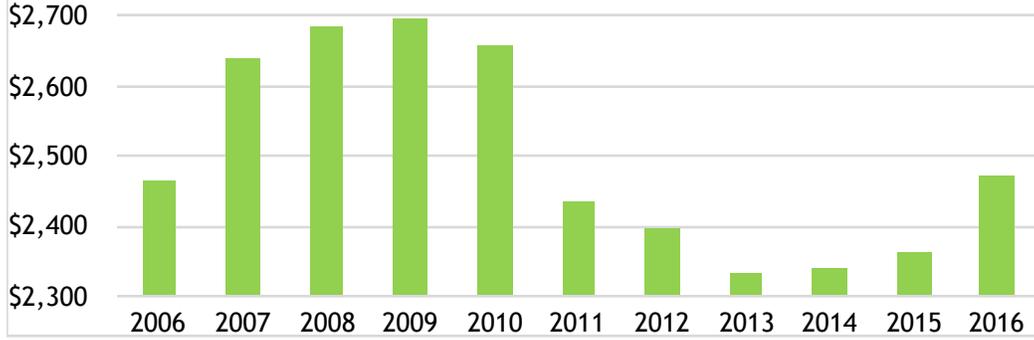
Municipality	Single-family Assessed Values	Single-family Parcels	Single-family Average Value	Residential Tax Rate	Average Single-family Tax Bill
Aquinnah	\$485,826,497	394	\$1,233,062	5.35	\$6,597
Chilmark	\$2,019,507,700	1,069	\$1,889,156	2.71	\$5,120
Edgartown	\$4,204,709,800	3,410	\$1,233,053	3.62	\$4,464
Oak Bluffs	\$1,987,895,100	3,331	\$596,786	8.11	\$4,840
Tisbury	N/A	N/A	N/A	N/A	N/A
West Tisbury	\$1,399,518,788	1,450	\$965,185	6.06	\$5,849

Source: DOR, 2016

As Figure 5.2 suggests, there was a drop in property value following the Great Recession of 2009, which happens to correspond to the highest parcel value over the thirteen-year period. Values began to rebound after 2012 and continued through 2016. Overall, values are still below the peak period between 2007 and 2009. The value of individual single-family homes has steadily increased since 2003, when the average value in Oak Bluffs was \$399,905. Since 2003, values have increased 49 percent to an average of \$596,786 in 2016. This too is lower than the peak in 2009 when the average single-family home value was \$640,870. The impact of the Great Recession on the real estate market is not limited to Oak Bluffs as values were affected across Massachusetts and the United States.

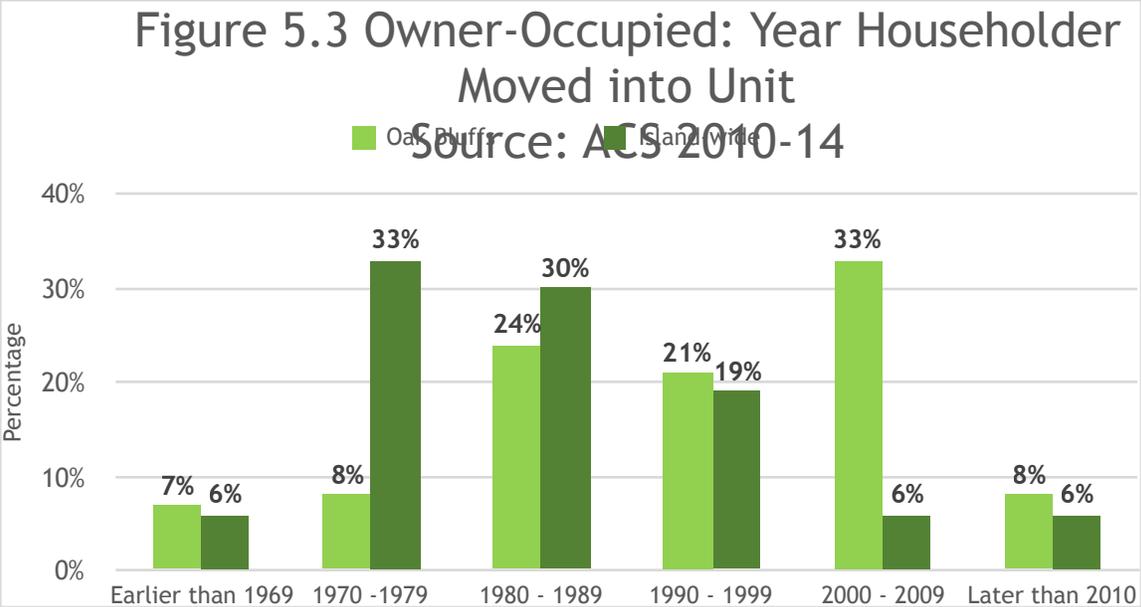
²⁰ U.S. Census, 1990, 2000, 2010, and American Community 2010-2014, "Total Population"

Figure 5.2 Oak Bluffs Residential Parcel Value by Year (in millions)
Source: DOR, 2016)



Owner-Occupied Housing Characteristics

Year-round homeowners in Oak Bluffs are much more likely to have moved into their current home after 2000 than homeowners in other Martha’s Vineyard communities. The most recent ACS estimates that 32 percent (583) of Oak Bluffs’ 1,824 year-round homeowners moved in after 2000.²¹ This indicates that one-



third of year-round housing units in Oak Bluffs changed owners between 2000-2014.

HOMEOWNER HOUSEHOLDS BY AGE

Table 5.3 shows that the ages of year-round homeowners in Oak Bluffs have a similar distribution to Martha’s Vineyard as a whole, with the exception of householders ages 45-54, and 75-84. Oak Bluffs has a higher percentage of householders ages 75-84, and it is an age cohort that has been growing since 1990. While this trend is not dissimilar to what is occurring in many communities across Massachusetts, it is important to note because senior householders draw on specific town services for support and to maintain a healthy and productive lifestyle. Figure 5.4 illustrates the changes in homeowner age-by-age cohort between 1990 and 2014. In addition to an increase in homeowners between the ages of 75 and 84, there was also a sharp increase in those aged 55 to 64 (a 230 percent increase).²² The increase in homeowners within this age cohort is noteworthy because in ten to fifteen years, the surviving members of this age cohort will have needs for a variety of health services and social services and may have different housing needs as well.

TABLE 5.3 HOMEOWNER HOUSEHOLDS BY AGE

Oak Bluffs		Island-wide
Count	Percent	Percent

²¹ ACS 2010-14, "B25038: Tenure by Year Householder Moved into Unit".

²² US Bureau of the Census, American Community Survey 2010-14, "B25007: Tenure by Age of Householder".

Owner-Occupied Units	1,425	78%	78%
Householder 25 to 34 years	46	3%	3%
Householder 35 to 44 years	237	17%	15%
Householder 45 to 54 years	201	14%	24%
Householder 55 to 59 years	278	20%	15%
Householder 60 to 64 years	150	11%	12%
Householder 65 to 74 years	199	14%	18%
Householder 75 to 84 years	243	17%	11%
Householder 85 years and over	71	5%	3%

Source: US Bureau of the Census, American Community Survey 2010-14, "B25007: Tenure by Age of Householder".

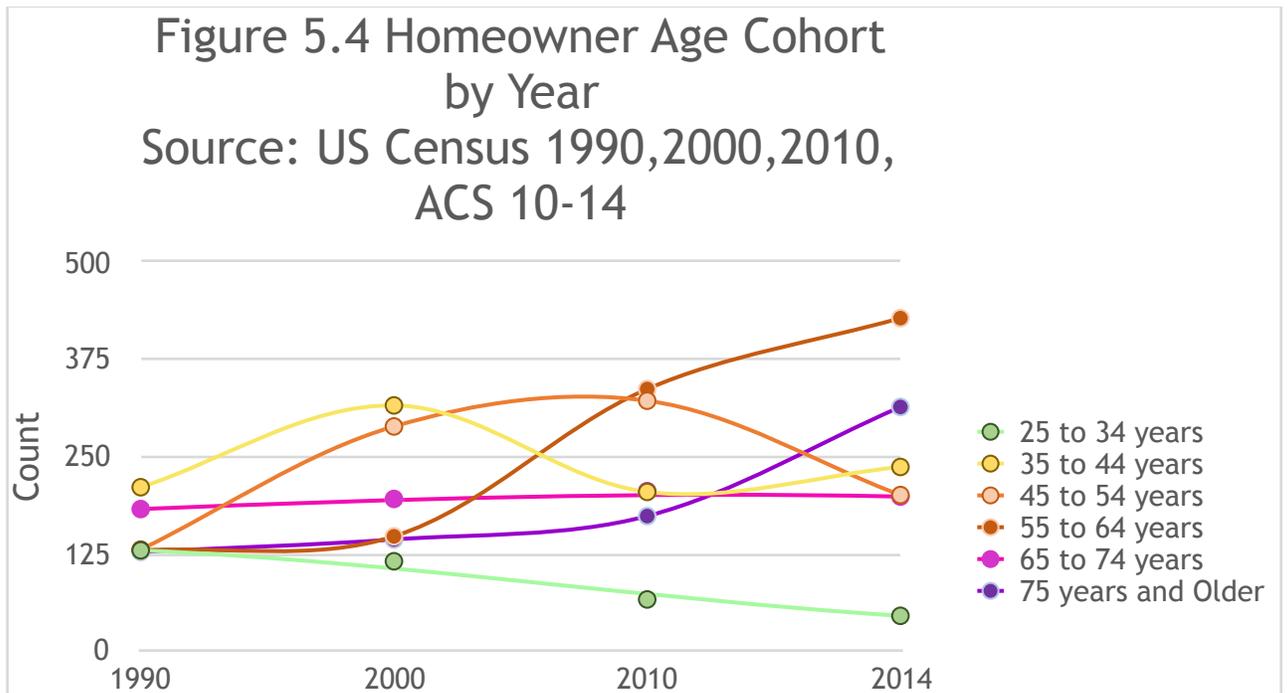


Table 5.4 Homeowner Households by Income

	Oak Bluffs		Island-wide
	Count	Percent	Percent
Less than \$5,000	92	6%	4%
\$5,000 to \$9,999	46	3%	2%

\$10,000 to \$14,999	91	6%	4%
\$15,000 to \$19,999	71	5%	3%
\$20,000 to \$24,999	6	0%	2%
\$25,000 to \$34,999	149	10%	12%
\$35,000 to \$49,999	56	4%	10%
\$50,000 to \$74,999	120	8%	15%
\$75,000 to \$99,999	329	23%	14%
\$100,000 to \$149,999	358	25%	22%
\$150,000 or more	107	8%	11%

Source: US Bureau of the Census, American Community Survey 2010-14, "B25118: Tenure by Household Income in the Past 12 Months (in 2014 Inflation-Adjusted Dollars)".

HOMEOWNER HOUSEHOLDS BY INCOME

The median income for a year-round homeowner household in Oak Bluffs is \$81,784, while the median household income for a renter is \$51,310. There is a nearly a thirty-thousand-dollar difference between homeowner and renter median income.²³ Table 5.4 shows a clustering among the higher income bracket, which suggest a potential for affordability issues to both potential and current homeowners earning a low or moderate income.

OWNER-OCCUPIED HOUSING VALUES

Based on the most recent ACS estimates, the median residential value for year-round homes in Oak Bluffs is \$594,800, which is the lowest of all the towns on Martha's Vineyard.²⁴ Table 5.5 shows that Oak Bluffs does have homes at a variety of price points, yet the majority are between \$500,000 and \$799,999.

TABLE 5.5 HOME VALUES IN OAK BLUFFS

Home Value	Oak Bluffs		Island-wide
	Count	Percent	Percent
Less than \$49,999	6	0%	1%
\$50,000 to \$99,999	0	0%	0%
\$100,000 to \$199,999	42	3%	2%
\$200,000 to \$299,999	38	3%	3%
\$300,000 to \$399,999	210	15%	12%
\$400,000 to \$499,999	194	14%	10%
\$500,000 to \$749,999	587	41%	41%
\$750,000 to \$999,999	246	17%	19%
\$1,000,000 or more	102	7%	13%

²³ US Bureau of the Census, American Community Survey 2010-14, "B25119: Median Income in the Past 12 Months (in 2014 Inflation-Adjusted Dollars) by Tenure".

²⁴ US Bureau of the Census, American Community Survey 2010-14, "B25077: Median Value (Dollars)".

FOR-SALE MARKET

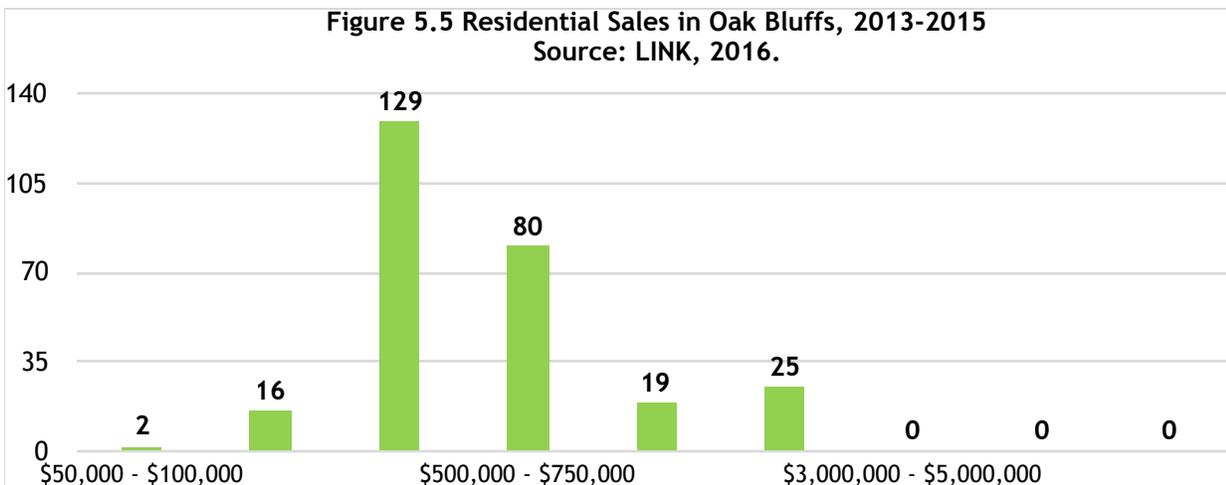
Property Type	Number of Sales	Median Sale Price
Single-Family	235	\$480,150
Two-Family	9	\$455,000
Condominium	12	\$435,900
Multiple Homes on One Parcel	15	\$540,000

Source: Warren Group, 2016

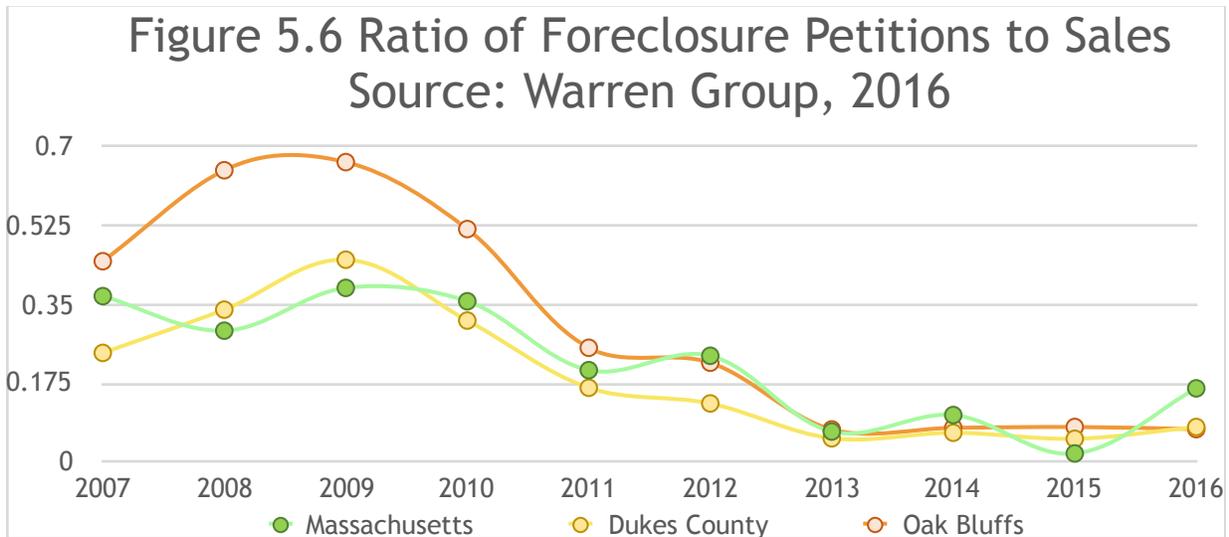
The Massachusetts Department of Revenue defines the criteria of an “arm’s-length” as meeting three criteria, “(1) willing seller and buyer not under compulsion; (2) knowledgeable, unrelated parties; (3) property on the market for a reasonable period of time”. From 2013 to 2015, Oak Bluffs had a total of 578 residential sales with 271 considered to be “arm’s length” or qualified sales. Of the qualified sales, 235 (87 percent) were single-family, nine were two-family, twelve were condominium, and fifteen were multiple homes on one parcel.²⁵

TABLE 5.6 MEDIAN SALE PRICE BY PROPERTY TYPE, 2013 TO 2015

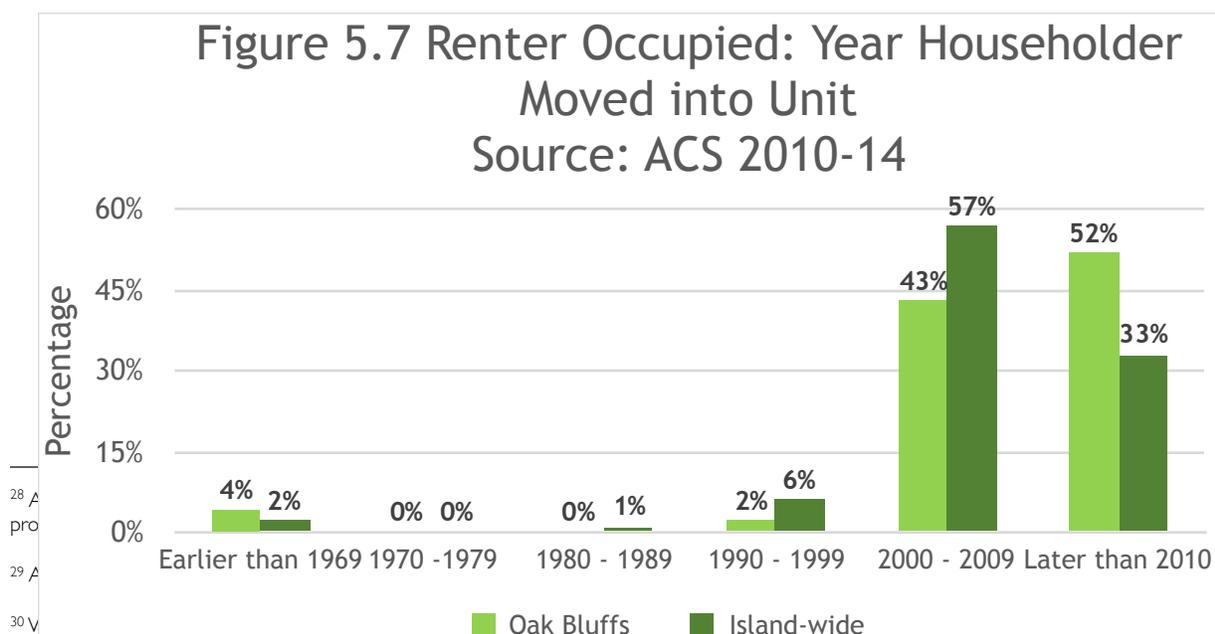
For all property types, twenty-seven were purchased by owners who currently reside at the property’s address and 164 were purchased by owners who reside elsewhere for their year-round place of residence.²⁶ This means that 60 percent of the qualified sales between 2013 and 2015 involved buyers who most likely purchased a home for vacation or seasonal use. During this time period median sale prices continued to increase from \$495,000 in 2013 to \$510,000 in 2015.²⁷ Figure 5.5 shows the distribution of housing sales sale prices from 2013 to 2015.



The Great Recession created significant foreclosure problems in communities throughout the country. Massachusetts fared better than many other states. Figure 5.6 shows the ratio of foreclosure petitions²⁸ to qualified residential sales²⁹ as a way to standardize the data and compare Oak Bluffs to the larger county and state geographies. Overall, Oak Bluffs had the highest number of foreclosures of any town on Martha's Vineyard during and coming out of the Great Recession. For example, in 2009 Oak Bluffs had thirty-two petitions to foreclose and forty-eight sales, or a foreclosure petition to sales ratio of 0.67. This is the equivalent of two foreclosure petitions for every three homes sold.³⁰ Since 2009, instances of foreclosure petitions have dropped significantly, and now follow similar patterns to that of the county and the state.



Renter-Occupied Housing Characteristics



Much like renters elsewhere on Martha's Vineyard, renters in Oak Bluffs are more transient than homeowners. This is illustrated in Figure 5.7, where 52 percent of renter households in Oak Bluffs have moved in since 2010. This compares to only 8 percent of homeowners who have moved in since 2010.

RENTER HOUSEHOLDS BY AGE

Oak Bluffs has 399 year-round renter occupied households, which comprises 22 percent of the Town's housing stock. The majority of renters in Oak Bluffs are between the ages of 25 and 54. Interestingly, there is a large age cohort of renters between the ages of 75 and 84. Much of this can be explained by the presence of the Island Elderly Housing developments that support 165 rental units for low-income elderly and disabled residents. This contributes to an elderly rental population that is more than twice the average of Martha's Vineyard.³¹ Figure 5.8 shows the change in year-round renter ages over time. Since 2000, every age cohort has declined with the exception of 75- to 84-year-olds, which has increased by 85 percent.³²

TABLE 5.7 RENTER HOUSEHOLDS BY AGE

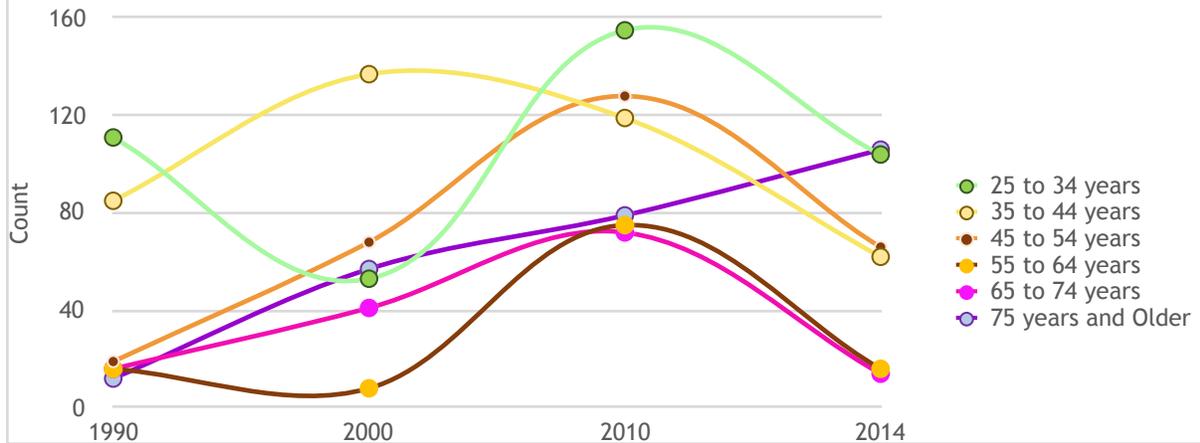
	Oak Bluffs		Island-wide
	Count	Percent	Percent
Renter occupied Units	399	22%	22%
Householder 25 to 34 years	104	26%	23%
Householder 35 to 44 years	62	16%	26%
Householder 45 to 54 years	66	17%	16%
Householder 55 to 59 years	16	4%	7%
Householder 60 to 64 years	0	0%	4%
Householder 65 to 74 years	14	4%	6%
Householder 75 to 84 years	83	21%	9%
Householder 85 years and over	23	6%	6%

Source: US Bureau of the Census, American Community Survey 2010-14, "B25007: Tenure by Age of Householder".

³¹ US Bureau of the Census, American Community Survey 2010-14, "B25007: Tenure by Age of Householder".

³² US Bureau of the Census, American Community Survey 2010-14, "B25007: Tenure by Age of Householder".

Figure 5.8 Renter Age Cohort by Year
 Source: US Census 1990, 2000, 2010, ACS 10-14



RENTER HOUSEHOLDS BY INCOME

As was mentioned previously under the owner-occupied income section, the median income for a year-round renter occupied household is \$51,310. However, Table 5.8 shows there is a high percentage of renters earning between \$100,000 to \$149,999.³³ This figure is nearly twice as high as the percentage for Martha's Vineyard as a whole.

TABLE 5.8 RENTER HOUSEHOLDS BY INCOME

	Oak Bluffs		Island-wide
	Count	Percent	Percent
Less than \$5,000	23	6%	3%
\$5,000 to \$9,999	0	0%	3%
\$10,000 to \$14,999	49	12%	8%
\$15,000 to \$19,999	0	0%	5%
\$20,000 to \$24,999	0	0%	1%
\$25,000 to \$34,999	23	6%	12%
\$35,000 to \$49,999	72	18%	19%
\$50,000 to \$74,999	88	22%	19%
\$75,000 to \$99,999	50	13%	15%
\$100,000 to \$149,999	94	24%	13%

³³ US Bureau of the Census, American Community Survey 2010-14, "B25119: Median Income in the Past 12 Months (in 2014 Inflation-Adjusted Dollars) by Tenure".

\$150,000 or more	0	0%	2%
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Source: US Bureau of the Census, American Community Survey 2010-14, "B25118: Tenure by Household Income in the Past 12 Months (in 2014 Inflation-Adjusted Dollars)".

RENTAL HOUSING COSTS

In Oak Bluffs, 46 percent of renter households are paying more than \$1,500 a month in gross rent. As shown in Table 5.9, this is consistent with the rest of Martha's Vineyard where rents are typically higher because of the type of rental housing stock. The relative dearth of traditional multi-family housing (townhouses, apartments, mixed-use buildings) means many rental units are single-family, two-family, or accessory buildings that are part of a larger estate. Oak Bluffs does have the rental housing campus for seniors and disabled residents, which accounts for the higher percentage of rents in the \$250-\$750 range.³⁴

TABLE 5.9 RENTER HOUSEHOLDS BY GROSS RENT PER MONTH

	Oak Bluffs		Island-wide
	Count	Percent	Percent
Less than \$250	0	0%	2%
\$250 - \$500	49	13%	6%
\$500 - \$750	26	7%	4%
\$750 - \$1,000	55	15%	11%
\$1,000 - \$1,500	68	18%	28%
\$1,500 or more	171	46%	48%

Source: US Bureau of the Census, American Community Survey 2010-14, "B25063: Gross Rent".

Housing Affordability in Oak Bluffs

HOUSING COST BURDEN

As defined by the U.S. Department of Housing and Urban Development, "housing cost burden" occurs when low- or moderate-income households have to spend more than 30 percent of their monthly income on housing costs. For homeowners, "housing costs" include the monthly cost of a mortgage payment, property taxes, and insurance. For renters, it means monthly rent plus basic utilities (heat, lights, hot water, and cooking fuel). When housing costs exceed 50 percent of a low- or moderate-income household's monthly income, the household meets the definition of "severely cost burdened." Table 5.10 reports the

³⁴ Source: ACS 2010-14, "B25063: Gross Rent".

number of households in Oak Bluffs with housing costs that are below 30 percent, between 30 and 50 percent, and over 50 percent of their monthly gross income.³⁵

TABLE 5.10. HOUSEHOLD EXPENDITURES ON HOUSING IN OAK BLUFFS

Housing Costs as % Household Income	Homeowners	Renters	Total
Equal to/less than 30% Monthly Income	565	220	785
Between 30 and 50% Monthly Income	455	55	510
More than 50% Monthly Income	275	65	340
Estimates Unavailable	0	25	25
Total	1,290	380	1,665

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data.

About 56 percent of all year-round homeowners in Oak Bluffs pay more than 30 percent of their income toward housing. However, not all of them can be said to have housing cost burdens because people with high incomes usually have choices in the market. Table 5.11 shows that Oak Bluffs has 460 very low, low, or moderate-income households with housing cost burdens (72 percent of all low- or moderate-income households living in Oak Bluffs) and 285 of them have severe housing cost burdens.

TABLE 5.11. HOUSING COST BURDEN IN OAK BLUFFS: ALL HOUSEHOLDS (OWNERS AND RENTERS)

Household Income Range	Housing Costs > 30%	Housing Costs >50%	Total	Percent w/ Housing Costs >30%
<=30% AMI	250	175	300	83.3%
>30% and <=50% AMI	80	60	110	72.7%
>50% and <=80% AMI	130	50	230	56.5%
>80% and <=100% AMI	10	10	150	6.7%
Income >100% AMI	380	45	870	N/A
Total	850	340	1,665	

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data.

Table 5.12 shows that of the 730 total year-round homeowners who pay more than 30 percent of their income toward housing, 340 have incomes at or below 80 percent of area median income (AMI). Moreover, half of Oak Bluff's low- or moderate-income homeowners (220) have severe housing cost burdens.

TABLE 5.12. HOUSING COST BURDENED HOMEOWNERS IN OAK BLUFFS (YEAR-ROUND HOMEOWNERS)

Household Income Range	Cost burden > 30%	Cost burden > 50%	Total	Percent Housing Cost Burdened
<=30% AMI	205	145	205	100.0%
>30% and <=50% AMI	45	25	75	60.0%

³⁵ Note: the tables in this section are based on the most recent Comprehensive Housing Affordability Strategy (CHAS) data from the U.S. Department of Housing and Urban Development. CHAS is the most reliable source of information about the incidence of housing cost burden among low- and moderate-income homeowners and renters. Since HUD's CHAS reports are derived from prior-year ACS estimates, the numbers of occupied housing units and households by tenure will differ from the estimates published in current ACS tables.

>50% and <=80% AMI	90	50	155	58.1%
>80% and <=100% AMI	10	10	90	11.1%
Income >100% AMI	380	45	765	N/A
Total	730	275	1,290	

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data. Note: moderate-income total adjusted to correct for sampling error.

Finally, Table 5.13 reports housing costs for renter households in Oak Bluffs. It shows that of the town's 210 year-round renters with low or moderate incomes, 120 (57 percent) are housing cost burdened and 31 percent are severely cost burdened.

TABLE 5.13. HOUSING COST BURDENED RENTERS IN OAK BLUFFS (YEAR-ROUND RENTERS)

Household Income Range	Cost burden > 30%	Cost burden > 50%	Total	Percent Housing Cost Burdened
<=30% AMI	45	30	95	47.4%
>30% and <=50% AMI	35	35	35	100.0%
>50% and <=80% AMI	40	0	80	50.0%
>80% and <=100% AMI	0	0	60	0.0%
Income >100% AMI	0	0	105	N/A
Total	120	65	380	

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data.

COST BURDEN BY HOUSEHOLD TYPE

Understanding cost burdening by household types is important because it provides greater clarity as to what types of household configurations are experiencing the most acute burden. The CHAS data provides a breakdown of cost burden for: large family, small family, elderly family, elderly non-family, and all other types.

For homeowners in Oak Bluffs, the household configuration that experienced the largest number of cost burdened individuals were small family households of two persons. Of this group, the household income most affected were those of greater than 100% AMI. In this category there were 470 individuals who were cost burdened. Table 5.14 presents the data of housing cost burdening for homeowners. Of the elderly families there were 370 cost burdened households, with 50 households being cost burdened between the income ranges of 30 percent and 50 percent of AMI.

TABLE 5.14 HOUSING COST BURDENED HOMEOWNERS BY HOUSEHOLD TYPE

Household Income Range	Household type is elderly family (2 persons, with either or both age 62 or over)	Household type is small family (2 persons, neither person 62 years or over, or 3 or 4 persons)	Household type is large family (5 or more persons)	Household type is elderly non-family	Other household type (non-elderly non-family)	All

<=30% AMI	75	45	0	55	30	205
>30% and <=50% AMI	50	0	0	25	0	75
>50% and <=80% AMI	35	50	0	40	30	155
>80% and <=100% AMI	50	20	10	15	0	90
Income >100% AMI	160	470	95	20	20	765
Total	370	585	105	155	80	1290

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data. Note: Totals may not sum due to statistical error in CHAS data

For renters in Oak Bluffs, other household types, had the largest number of cost burdened households (120 households). The income threshold of between 50 percent and 100 percent of AMI accounted for all 120 cost burdened small family households. Table 5.15 presents renter cost burden data by household type. Of small family households, 105 out of a total of 115 households were cost burdened at incomes greater than 100 percent AMI.

TABLE 5.15 HOUSING COST BURDENED RENTERS BY HOUSEHOLD TYPE

Household Income Range	Household type is elderly family (2 persons, with either or both age 62 or over)	Household type is small family (2 persons, neither person 62 years or over, or 3 or 4 persons)	Household type is large family (5 or more persons)	Household type is elderly non-family	Other household type (non-elderly non-family)	All
<=30% AMI	0	0	0	95	0	95
>30% and <=50% AMI	0	0	35	0	0	35
>50% and <=80% AMI	0	10	0	10	60	80
>80% and <=100% AMI	0	0	0	0	60	60
Income >100% AMI	0	105	0	0	0	105
Total	0	115	35	105	120	375

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data. Note: Totals may not sum due to statistical error in CHAS data

SEVERELY COST BURDENED BY HOUSEHOLD TYPE

Severely cost burdened occurs when housing costs are greater than 50 percent of AMI. The number of severely cost burdened households is a subset of the total number of cost burdened households. Utilizing the CHAS data tables, the number of severely cost burdened households in Oak Bluffs was determined for different household types. The CHAS data provides a breakdown of cost burden for: large family, small family, elderly family, elderly non-family, and all other types.

The total number of homeowners in Oak Bluffs that are severely cost burdened are 274, translating into 21 percent of all cost burdened households. Table 5.16 presents severely cost burdened households by household types. Elderly and small family households experienced the greatest numbers of severely cost burdened households with incomes below 80% AMI.

TABLE 5.16 SEVERELY HOUSING COST BURDENED HOMEOWNERS BY HOUSEHOLD TYPE

Household Income Range	Household type is elderly family (2 persons, with either or both age 62 or over)			Household type is small family (2 persons, neither person 62 years or over, or 3 or 4 persons)			Household type is large family (5 or more persons)
	Household type is elderly non-family	Other household type (non-elderly non-family)	All	Household type is elderly non-family	Other household type (non-elderly non-family)	All	
<=30% AMI	75	45	0	25	0	145	
>30% and <=50% AMI	20	0	0	4	0	24	
>50% and <=80% AMI	0	50	0	0	0	50	
>80% and <=100% AMI	0	0	10	0	0	10	
Income >100% AMI	25	20	0	0	0	45	
Total	120	115	10	29	0	274	

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data. Note: Totals may not sum due to statistical error in CHAS data

The total number of renters in Oak Bluffs that are severely cost burdened are 65, translating into 17 percent of all cost burdened households. Table 5.17 presents severely cost burdened households by household types. Large and elderly non-family households were the only households to experience severe cost burdening.

TABLE 5.17 SEVERELY HOUSING COST BURDENED RENTERS BY HOUSEHOLD TYPE

Household Income Range	Household type is elderly family (2 persons, with either or both age 62 or over)			Household type is small family (2 persons, neither person 62 years or over, or 3 or 4 persons)			Household type is large family (5 or more persons)
	Household type is elderly non-family	Other household type (non-elderly non-family)	All	Household type is elderly non-family	Other household type (non-elderly non-family)	All	
<=30% AMI	0	0	0	30	0	30	
>30% and <=50% AMI	0	0	0	35	0	35	
>50% and <=80% AMI	0	0	0	0	0	0	
>80% and <=100% AMI	0	0	0	0	0	0	
Income >100% AMI	0	0	0	0	0	0	
Total	0	0	35	30	0	65	

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data. Note: Totals may not sum due to statistical error in CHAS data

Affordable Housing Characteristics

For the purposes of this analysis, affordable housing is housing that is restricted to individuals and families with qualifying incomes and asset levels, and receives some manner of assistance to bring down the cost of owning or renting the unit, usually in the form of a government subsidy, or results from zoning relief to a housing developer in exchange for the income-restricted unit(s). Affordable housing can be public or private. Public housing is managed by a public housing authority, established by state law to provide affordable housing for low-income households. Private income-restricted housing is owned and operated by for-profit and non-profit owners who receive subsidies in exchange for renting to low- and moderate-income households.

The Massachusetts Department of Housing and Community Development (DHCD) maintains a Subsidized Housing Inventory (SHI) that lists all affordable housing units that are reserved for households with incomes at or below 80 percent of the area median income (AMI) under long-term legally binding agreements and are subject to affirmative marketing requirements. The SHI also includes group homes, which are residences licensed by or operated by the Department of Mental Health or the Department of Developmental Services for persons with disabilities or mental health issues.

The SHI is the state's official list for tracking a municipality's percentage of affordable housing under M.G.L. Chapter 40B (C.40B). This state law enables local Zoning Boards of Appeals to approve affordable housing developments under flexible rules if less than ten percent of year-round housing units in a town consist of income-restricted or subsidized housing for low-moderate income households. It was enacted in 1969 to address the shortage of affordable housing statewide by reducing barriers created by local building permit approval processes, local zoning, and other restrictions.

OAK BLUFFS AFFORDABLE UNITS

As of June 2016, there were 146 units in Oak Bluffs listed on the SHI.

TABLE 5.18: COMPARISON OF SHI UNITS BY TOWN

	Number of SHI Units	% SHI of Total Units
Aquinnah	41	25.95%
Oak Bluffs	146	6.83%
Tisbury	109	5.55%
Island-Wide	411	5.21%
Edgartown	89	4.54%
W.Tisbury	23	1.84%
Chilmark	3	0.72%

Source: DHCD Subsidized Housing Inventory, 6/22/16

TABLE 5.19: OAK BLUFFS AFFORDABLE UNITS BY TYPE

	SHI	Non-SHI	Total Restricted
Rental	124	0	124
Accessory Apts.	0	0	0
Ownership	1	37	38
Rehab	21	57	78
Rental Assistance	0	23	23
Total	146	117	263

Source: DHCD Subsidized Housing Inventory, 6/22/16 and Martha's Vineyard Commission, 7/25/16

Approximately 42 percent (sixty-one units) of the total SHI units were created through comprehensive permits under C.40B.³⁶

Term of Affordability

Almost 31 percent of the units listed on the SHI are restricted as affordable in perpetuity. Of the approximately 69 percent of units that are not restricted in perpetuity, roughly 21 percent (twenty-one units) have affordability restrictions that will expire within three years (prior to 2020). All of these units are ownership units, and include the following:

- Five Oak Bluffs HOR Program³⁷ units at Pinewood Lane, Wamsutta Avenue, Wing Road, Roberts Way, and Pine Street, with an end term of 2017.
- Seven Oak Bluffs HOR Program units at Glenwood Avenue, Mountain Avenue, Chapman Avenue, Fairwood Street, Clinton Avenue, County Road, and Washington Street, with an end term of 2018.
- Nine Oak Bluffs HOR Program units at North Meadow Lane, Dukes County, Captains Court, Elmwood Avenue, Forest Hill, DeBettencourt Circle, Townitucket Road, Ryans Way, and Narragansett Road, with an end term of 2019.

Roughly 49 percent (seventy-two units) of the units listed on the SHI have affordability restrictions that will expire within eighteen to twenty-six years (between 2034 and 2042), all of which are rental units, and include the following:

- Forty-five units with the project name "Woodside Village I" at 50 Village Road, with an end term of 2034.
- Eighteen units with the project name "Woodside Village II" at 60A Village Road, with an end term of 2041.
- Nine units with the project name "Woodside Village III" at 60B Village Road, with an end term of 2042.

³⁶ Department of Housing and Community Development Subsidized Housing Inventory, 6/22/16

³⁷ Oak Bluffs HOR Program – Oak Bluffs Homeownership Rehab Program

Roughly 5.5 percent (eight units) of the units listed on the SHI have an affordability restriction of “N/A.” All eight of these units are rental units with a project name of “DMH Group Homes” and a confidential address.

Regional SHI Comparison

Island-wide, Martha’s Vineyard has 411 units counted on the SHI. Oak Bluffs is the town with the most affordable units, with 146 units, or approximately 35.5% of the island’s total SHI units. Chilmark has the least amount, with only three units counting on the SHI.

Units in Development Pipeline

While the SHI lists all developments and total units that are currently affordable in Oak Bluffs, there are developments that have yet to be counted on the SHI listing.³⁸ The development yet to be counted is at 42 Richmond Avenue, is a one-unit ownership development (3BR @ 80% AMI), that underwent a deep energy retrofit and sold for \$225,000 in February of 2016. The property has a 99-year CLT ground lease restriction and will be counted toward the SHI listing.

AFFORDABILITY MISMATCH OF EXISTING RENTAL HOUSING

Affordability mismatch occurs when there is a disparity between the supply of affordable units available at specific rent thresholds and the number of renter households that fall within specific median income thresholds occupying units. The CHAS data is used for determining the affordability mismatch. The analysis provides an understanding of how many affordable units within the housing supply are available to households that require them. The analysis was conducted for different housing unit types such as zero or one-bedroom, two-bedroom, three-bedroom or more, and all units.

Table 5.20 presents rental housing information for all bedroom types in Oak Bluffs. Within the income threshold of under 30 percent of AMI, there are two households in need of affordable housing for every one unit of affordable housing. While at the below 50 percent of AMI threshold, there is a shortage of thirty-five affordable units or slightly more than two units for every three households. At incomes less than 80 percent of AMI, the mismatch is less unbalanced, but there are fifty households more than available units.

TABLE 5.20 AFFORDABILITY MISMATCH, ALL BEDROOM TYPES

	Household Income<= 30% AMI	Household Income<= 50% AMI	Household Income<= 80% AMI
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³⁸ Information was obtained from town residents and officials

Total Units Affordable and Available	35	70	135
Total Renter Households	70	105	185
Total Shortage/Surplus of Units Affordable to Income Groups	35	35	50
Affordable and Available Units Per 100 Renter Households	50	67	73

Source: CHAS, 2009-2013

CHAPTER 6

DEVELOPMENT CONSTRAINTS & LIMITATIONS

Summary

The focus of this chapter is to detail the Island's development constraints and limitations and includes a description of environmental constraints, infrastructure capacity, and regulatory barriers. Some key findings are as follows:

- The extremely porous nature of the soils throughout most of Oak Bluffs permits a high rate of recharge of groundwater by precipitation. However, this also allows rapid infiltration of contaminants such as those from sewage disposal systems, and run-off from roads and fertilizers.
- Water quality in Lagoon Pond is impacted by nitrogen from on-site septic systems and to a lesser extent by fertilizer, stormwater and agricultural activities. The MA Estuaries Project has determined that a 50 percent reduction in septic load from two of the pond's sub watersheds would meet the Total Maximum Daily Load of nitrogen.
- The Sengekontacket Pond exceeds the acceptable level of nitrogen. There are several options for nitrogen removal including creating a larger culvert in Trapp's Pond and sewerage of the Major's Cove area.
- Oak Bluffs provides important habitat to a number of endangered plant and animal species including the Roseate tern. In addition, the 5,000+ acre Correllus State Forest which lies partially within Oak Bluffs is home to the highest concentration of rare species in the state.
- Currently, the town's sewer system is working at capacity with very little room for additional capacity, particularly during the summer months.
- The Oak Bluff zoning bylaws are the least restrictive zoning and includes a variety of provisions to encourage affordable housing and diversity of housing choice.

Environmental Constraints

The information presented in this section below is largely based on the Island towns various Open Space & Recreation plans that date from 1997 through 2015, the 2009 Island Plan, USDA 1986 Soil Survey of Dukes County,

LANDSCAPE CHARACTER

Oak Bluffs is located in the northeastern portion of Martha's Vineyard in an area known as East Chop. Downtown Oak Bluffs is home to some of the Island's most iconic landmarks like the Flying Horses carousel, and the Tabernacle and the surrounding neighborhoods of small gingerbread cottages. The town is flanked by two of Martha's Vineyard's great ponds, Lagoon Pond to the west and Sengekontacket Pond to the southeast. The southern interior located of the town is located in the vast outwash plain which is an open, flat area characterized by scrubby oak and pine forest. The northeastern coast borders Nantucket Sound

and shares State Beach, a long, calm-watered beach, with Edgartown. Travelling along Sea View Avenue, one enjoys views of the activity in Nantucket Sound and the western shores of Chappaquiddick.

TOPOGRAPHY & GEOLOGY

The surface topography in Oak Bluffs is a direct result of the most recent glacial period that reached a maximum extent some 20-25,000 years ago. At the surface, the geologic materials were directly deposited by shallow, fast moving streams that were fed by melting ice overloaded with sediment. The finest soil particles were winnowed out and deposited far to the south. The sorting process left behind sand and gravel and a small amount of silt. The release of water and sediment was so rapid that it buried the front of the glacier so that when the ice eventually melted long after the glacier itself was gone, the layers of sand and gravel collapsed to create a complex rolling topography clearly seen in the southern woodlands. The surface landform is known as collapsed head of outwash. The sand and gravel deposits probably also formed the valley in which Duarte's Pond is found, a surface feature known as a fosse.

SOILS

Over the centuries following the glacial retreat, the effects of precipitation and colonizing plant and animal life formed a coarse, sandy soil known as Carver Loamy coarse sand.

With the exception of wetlands near the shore and in low-lying areas, Carver Loamy coarse sand is the only soil type found in Oak Bluffs north of a line near Edgartown-Vineyard Haven Road. This type of soil can infiltrate rainfall, stormwater and wastewater readily.

Due to high permeability of the area's geologic deposits, Oak Bluffs is ideally suited to hosting an important aquifer that can yield a large amount of water naturally recharged by infiltration of precipitation.

GROUNDWATER

The Island's main aquifer resides primarily in a geologic deposit known as the outwash plain. Oak Bluffs lies above the outwash plain and precipitation falling on Oak Bluffs percolates through the coarse, sandy soils until it reaches the upper level of the water table. Beneath this level lies a large underground reservoir of soil saturated with fresh water.

The extremely porous nature of the soils throughout most of Oak Bluffs permits a high rate of recharge of groundwater by precipitation. However, this also allows rapid infiltration of contaminants such as those from sewage disposal systems, and run-off from roads and fertilizers.

PONDS

The town shares its two major watersheds with neighboring towns; Lagoon Pond watershed with Tisbury and the Sengekontaktet Pond watershed with Edgartown. The problem of excess nitrogen in the ponds, due in large part to on-site septic systems, is being addressed by the town with supporting documentation from the Massachusetts Estuaries project.

Lagoon Pond

Shared by Tisbury and Oak Bluffs, Lagoon Pond, at 593 acres is a long a deep saltwater pond.

Water quality in Lagoon Pond is impacted by nitrogen from on-site septic systems and to a lesser extent by fertilizer, stormwater and agricultural activities. The MA Estuaries Project has determined that a 50 percent reduction in septic load from two of the pond's sub watersheds would meet the Total Maximum Daily Load of nitrogen.

Representatives from Tisbury and Oak Bluffs have formed the Lagoon Pond Watershed Planning Committee to address nitrogen loading.

The following actions are part of the process to restore the pond's health:

- Oak Bluffs set up a committee to prepare recommendations about how to meet the Total Maximum Daily Load.
- Oak Bluffs and Tisbury are working jointly to determine strategies to reduce nitrogen.
- Oak Bluffs had MEP do an attenuation study of the freshwater pond at the south end of the pond.
- Shellfish aquaculture is implemented.
- Oak Bluffs is also doing studies to sewer areas in the watershed.
- A ribbed mussel and salt marsh restoration project is proposed with a pilot project currently in Mud Creek.
- A pilot oyster reef project has been installed in West Arm.
- A "Floating Islands" pilot project is currently underway.

Sengekontacket Pond³⁹

Sengekontacket Pond is a 691-acre pond and estuary with a 11,300-foot barrier beach that separates it from Nantucket Sound. State Beach and Sea View Avenue separate the pond from the Sound. The pond is shared by Edgartown and Oak Bluffs. 49 percent of the pond shore is saltmarsh and brackish marshes which provide habitat for wildlife. Public access is provided along 38 percent of its shore with beach facilities managed by the town and the Commonwealth. The Massachusetts Audubon Society manages an additional 350 acres which include 7000 feet of natural shoreline.

After a closure of the pond in 2007 due to high levels of bacteria in the water, the pond was re-opened in 2012 after extensive dredging to increase pond circulation.

According to the Massachusetts Estuaries Project, the Sengekontacket Pond exceeds the acceptable level of nitrogen. There are several options for nitrogen removal including creating a larger culvert in Trapp's Pond and sewerage of the Major's Cove area.

In addition, the two town's shellfish departments are growing oysters in the Cove to help filter nitrogen out of the water. Eelgrass is all but non-existent in the pond with the exception of the Major's Cove area. The

³⁹ Oak Bluffs OSRP

MVC categorized this pond as Impaired. Eelgrass is in decline. Nitrogen is high in some inner areas with periodic extensive wrack algae.

The following actions are part of a plan to restore the pond's health and productivity:

- The Oak Bluffs and Edgartown Boards of Selectmen set up a joint committee to prepare recommendations. The joint committee submitted its report in October 2012 and recommendations are being reviewed.
- An oyster aquaculture project is underway in both towns.
- A ribbed mussel and salt marsh restoration project is proposed at Felix Neck and Trapps Pond.
- A "Floating Islands" pilot project is currently underway.

PLANT COMMUNITIES & WETLANDS

Oak Bluffs' vegetation consists predominantly of beach and dune/coastal salt pond communities. These consist of a variety of beach grasses, beach rose, beach plum, goldenrod and poison ivy. Salt marsh vegetation provides nurseries, shelter and food for shellfish and finfish, absorbs pollutants, helps dissipate storm energy, and stores flood waters. Interior woodlands, specifically oak-pine forest also include stands of beech, red cedars and areas of scrub oak and shadbush.

There are significant salt marshes at Brush Pond, Farm Pond and Sengekontacket Pond. Inland wetlands include those that border Crystal Lake, Fresh Pond and Duarte's Pond.

AREAS OF CRITICAL ENVIRONMENTAL CONCERN: BIOMAP2⁴⁰

The Massachusetts Department of Fish & Game, through the Division of Fisheries and Wildlife's Natural Heritage & Endangered Species Program (NHESP), and The Nature Conservancy's Massachusetts Program developed BioMap2 to protect the state's biodiversity in the context of climate change. BioMap2 identifies two complementary spatial layers, Core Habitat and Critical Natural Landscape.

Core Habitat identifies key areas that are critical for the long-term persistence of rare species and other Species of Conservation Concern, as well as a wide diversity of natural communities and intact ecosystems across Massachusetts. Protection of Core Habitats will contribute to the conservation of specific elements of biodiversity.

Critical Natural Landscape identifies large natural Landscape Blocks that are minimally impacted by development. If protected, these areas will provide habitat for wide-ranging native species, support intact ecological processes, maintain connectivity among habitats, and enhance ecological resilience to natural and anthropogenic disturbances in a rapidly changing world. Areas delineated as Critical Natural Landscape also include buffering upland around wetland, coastal, and aquatic Core Habitats to help ensure their long-term integrity.

Oak Bluffs provides important habitat to a number of endangered plant and animal species including the Roseate tern. In addition, the 5,000+ acre Correllus State Forest which lies partially within Oak Bluffs is home to the highest concentration of rare species in the state.

⁴⁰ Commonwealth of Massachusetts: Division of Fisheries and Wildlife. *BioMap2; Conserving the Biodiversity of Massachusetts in a Changing World*. 2012.

Oak Bluffs contains the following:

Core Habitat

- 1 Aquatic Core
- 10 Species of Conservation Concern Cores-6 birds, 14 insects, 8 plants

Critical Natural Landscape

- 2 Landscape Blocks
- 1 Aquatic Core Buffer
- 6 Coastal Adaptation Areas
- 5 Tern Foraging Areas

Historic & Cultural Resources

Oak Bluffs, on the northeast shore of Martha's Vineyard, encompasses numerous likely native sites. First permanent European settlement of East Chop took place circa 1667 as the northern periphery of Edgartown. Late 18th and early 19th century secondary Holmes Hole Harbor settlement developed at Eastville. First local Methodist Camp Meeting was located to the east in 1835. By mid 19th century, the Wesleyan Grove tent city had expanded to a summer camp meeting of regional importance. By 1860, permanent Carpenter Gothic cottages were being built, and the Martha's Vineyard Camp Meeting Association was formed. Subsequently, the Oak Bluffs Land and Wharf Company promoted secular development of east coast lands.

By the late 19th century, the town displayed a range of religious and secular resort features, including open air tabernacles, wharf and boardwalk facilities, commercial and recreational complexes, and landmark shore side hotels. This unique assemblage of activities made Cottage City the major center on Martha's Vineyard and one of the foremost resorts in the region. An early 20th century summer estate district subsequently developed at East Chop. Although major hotels, boardwalks, and wharves have been lost, the Camp Meeting Grounds survive, still under the control of the Association, as does most of the Oak Bluffs residential development, the Circuit Avenue commercial district, and many elements of the Oak Bluffs Avenue recreational complex.

Oak Bluffs has an abundance of historic resources including such diverse properties as the Norton-Webb House built in 1660, East Chop Light, the Arcade and the Flying Horses carousel, the Tabernacle and the surrounding neighborhoods full of Gothic Carpenter cottages many of which are listed on the State's Register of Historic Places.

Infrastructure Capacity

DRINKING WATER⁴¹

More than 95 percent of all homes are connected to the town water system, with only areas in the southwest triangle obtaining drinking water from on-site wells. A 2003 MVC study found the water supply system sufficiently sized to accommodate anticipated growth. However, the Oak Bluffs Water District is looking to locate two new well sites to ensure production in the future. There is concern about keeping up with demand associated with irrigation and new homes.

The Oak Bluffs Water District receives its water from five supply sources, The Lagoon Pond Well, the Farm Neck Well, the State Forest Well, the Madison Alwardt, Sr. Well and the John H. Randolph Well. All five sources are groundwater supplied from the Island's sole source aquifer. The aquifer is recharged from rainwater and snowmelt and the recharge area is located under the 5,343-acre Correllus State Forest located in the center of the Island. According to the MVC, of 46 inches of annual precipitation, recharge is estimated at 22.2 inches.

Public water supplies are administered by the Towns of Edgartown, Oak Bluffs and Tisbury, and serve nearly 10,000 developed properties. All water suppliers draw water from public wells, whose Zone IIs cover nearly fourteen square miles (15 percent of the total land area of the Island). Development density is light in these Zone IIs, and water quality is good. Nitrate loading is not sufficient in Zone IIs to approach the drinking water standard of ten parts per million. As of MVC's 2010 wastewater study, 4,206 parcels were served by public water.

An analysis of town-by-town water billing records indicates the following typical water use per property:

- Residential properties 140 to 210 gpd per property
- Non-residential users 400 to 1,500 gpd per property

WASTEWATER⁴²

In 2000, a sewer system was installed in the downtown Oak Bluffs historic district and the campground. Wastewater treatment was then expanded to service the high school, the YMCA, Woodside Village and the Ice Arena. The Martha's Vineyard Hospital is sewered, as are several additional town roads. The rest of the town is serviced by on-site sewage treatment systems. Unfortunately, these systems fail to address the amount of nitrogen entering the Island's surface, groundwater and coastal embayments.

The treatment plant opened April 1, 2002 with a customer base of 503 customers and has grown to a customer base of 698 in 2016. Waste is processed at the treatment facility on Pennsylvania Avenue and the system discharges waste under Ocean Park. The highest flow in 2002 was 152,949 gallons. The total number of treated gallons that year was 15 million gallons.

Currently, the system is working at capacity with very little room for additional capacity, particularly during the summer months.

The treatment plant has a discharge permit from the State of 350,000 per day. However, parts of the plant were never built out so the actual current treatment capacity is 315,000 to 320,000 gallons per day. This year the plant had a peak of approximately 250,000 on its busiest day at the treatment plant in August. This can be compared to 2014 where the peak totaled 222,000 gallons of wastewater. The average daily flow for

⁴¹ Martha's Vineyard Commission. *Martha's Vineyard Wastewater Management Study*. May 2010.

⁴² Per correspondence with MVC director

the summer months of June, July and August were approximately 160,000 gallons per day. The average for the same period in 2013 was approximately 150,000 gallons per day.

The plant is near to operational capacity when considering its sand filter and other treatment systems and the committed properties on the system that are not yet built. Currently there is little room for expansion. An expansion study is being completed.

Of all the wastewater that should be collected for nitrogen control purposes, 70 percent is generated within the town boundaries of Edgartown, Oak Bluffs and Tisbury, where municipal wastewater infrastructure already exists. Based on the Commission's growth projections, those three towns account for 72 percent of the future nitrogen control needs.

These estimates of wastewater collection and treatment needs assume that the collected wastewater is removed from the sensitive embayments and that effluent disposal occurs in watersheds that are not nitrogen sensitive. If effluent disposal must occur in nitrogen-sensitive watersheds, then a greater number of septic systems must be eliminated to account for the effluent nitrogen that remains in those watersheds. Wastewater quantities would be 20 percent to 40 percent higher if effluent disposal occurs in sensitive watersheds.

SOLID WASTE DISPOSAL⁴³

The volume of waste the Vineyard disposes of is an energy-intensive and, thus, costly operation. Currently the island ships 33,500 tons of trash off-Island each year, accounting for 15 percent of the Steamship Authority's freight traffic, or one in seven freight trips. The Vineyard's generation of waste is growing much faster than its year-round population.

Oak Bluffs and Tisbury manage their wastes together; these two towns are the most densely populated and are the only towns that provide curbside collection. In addition, several private companies are involved in collection, consolidation, and off-Island shipment of waste, independent of any governmental functions. Each town has its own waste transfer station, often at former landfill sites, all of which incorporate deposit of materials for recycling.

Trash collection, transport and shipment off-Island on ferries and barge represents one of the Island's major transportation issues. Municipal waste and recycling pick-up is provided in Tisbury and some portions of Oak Bluffs. Edgartown and Up-Island towns do not offer trash pick-up, but private residential and commercial pick-up is available across the Island, including dumpsters from construction sites. Changes in construction and demolition disposal regulations require that such waste be shipped off-Island directly from construction sites. Municipal trash and recyclables represent over forty tractor-trailer loads weekly during the season on SSA ferries, with some backhaul of landscaping materials and firewood. The Island ships some twenty-five tractor-trailer loads weekly in-season of municipal wastewater, scrap metal and junk cars, along with one straight truck of renderings and one of medical waste. Additionally, the Island is considering whether to use composting as a means of reducing the volume of municipal waste shipped off-Island. The Vineyard, like most coastal areas, requires a significant amount of plant nutrient be shipped to the Island, which could be replaced by compost from municipal organic waste.

⁴³ Martha's Vineyard Commission. *Island Plan 2009*. February 2010.

TRANSPORTATION

Roadways

During the summer, there are several intersections and roads that have been highly congested for a long time and feature longer delays of up to 20 minutes at certain times. Although the delays are presently less problematic off-season, traffic growth in the shoulder season threatens to negatively impact mobility in the off-season, too. The following are some areas of high congestion in Oak Bluffs:

Downtown Oak Bluffs: The vicinity of ferry terminals, the Oak Bluffs Harbor and Circuit Avenue features an urban principal arterial snaking through one of the most popular and busiest areas of the Vineyard. Dense concentrations of commercial activity, one of the Island's largest public beaches, three ferry terminals, a popular park, and high volumes of pedestrian and bicycle traffic result in congestion. In the past few years, several successful improvements have increased safety, as well as aesthetics, in the area.

Steamship Authority Dock: In 2009 the Steamship Authority made improvements to the area around the SSA ferry dock, including moving some of the staging, presently adjacent to the street, to an enlarged dock. The former staging area was reorganized in order to reduce the impact of ferry operations on traffic in the area.

Lake Avenue: Nearby, the Town of Oak Bluffs completed a major redesign of the Lake Avenue area that improved pedestrian facilities with the installation of bump outs to calm traffic and improved lane markings in this area. This area has one of the highest concentrations of pedestrians on the Island, but formerly sidewalks were either extremely narrow or missing altogether in this gateway area connecting multiple ferries with downtown and Circuit Avenue. The town also slightly redesigned the North Bluffs Harbor Area in 2008 to make it work more efficiently and to improve pedestrian accommodation.

Roundabout, Oak Bluffs: The intersection of Barnes Rd. (a rural minor collector) and Edgartown-Vineyard Haven Rd. (an urban principal arterial) previously had a four-way stop (blinking red light) and summertime delays of up to twenty minutes. This intersection had a relatively high number of crashes as well as long delays on Barnes Road when it was a two-way stop. After it was converted to a four-way stop in 2003, the accident rate declined although during the summer, the back-ups on the Edgartown-Vineyard Haven Road average eight minutes, and are considerably longer at some times of the day. The options were evaluated according to a series of criteria including safety, congestion, and air pollution. The roundabout was deemed the most effective solution, and construction was completed on the roundabout in the spring of 2013 for the summer season, and the final paving and landscaping were completed in the fall 2013.

As traffic volumes on main roads approach their design limits at peak hour, more and more traffic is being channeled onto local roads in order to avoid congested intersections. The fact that certain roads and intersections are congested for several months of the year does not mean that there should be physical changes. The challenge is how to deal with increases in population and traffic with a historic road network, and keep congestion within bearable levels. In cases where expanding a road's capacity would result in a significant detriment to the surrounding environment, the decision should be against the expansion. There needs to be a balance between the unique experience and environment of Martha's Vineyard and the travel demands.

With continued community desire to keep the infrastructure similar there is a need for increased tolerance in travel delays and more real-time information to be able to choose to avoid the congested locations at peak times, a change to transit or other alternate mode in the busiest times, and careful consideration in

zoning toward a viable yet comfortably walkable, bike-able, and transit-friendly area. Alternatives to road improvements that should be considered where roads are chronically at or over capacity include:

- increase alternate mode use, e.g., the use of bus, taxi, bicycle and foot; if one commutes one out of five days per week via an alternate mode there is a 20% home to work trip reduction
- limitations on use, such as restricting oversize vehicle traffic or restricting vehicle traffic in certain areas
- converting some two-way roads into one-way roadways for an improved circulation system, where feasible
- land use, zoning, and site design aspects that facilitate walking, biking, and transit use traffic management techniques, such as providing information on congestion so that others may avoid getting into the queue, if possible

Public Transit

The Martha's Vineyard Transit Authority (VTA) is the Island's regional transit authority. A fleet of thirty-three fully accessible vehicles, with seating capacities ranging from eighteen to thirty-seven passengers, provide service on fourteen fixed routes from mid-May through mid-October. Due to the great success of a two-year pilot program funded by the towns, the VTA is able to provide public transit service to twelve of these established fixed-route corridors throughout the off- season.

The VTA routes cover nearly all island major roads and all parts of the Island including the main public beaches and two park-and-ride lots. Timed transfers at various locations on the Island allow passengers to plan efficient longer trips. Single one-way fares are \$1.25 per town, including town of origin up to \$6.25 for five towns. The cost of bus passes ranges from \$8 for one day to \$120 for an annual pass. Discounted passes are available to year round resident seniors age 65 and up.

The VTA operates paratransit van service, as required by law, giving access to the bus routes to eligible disabled individuals. The service runs within 3/4 mile of each route. In addition to paratransit trips, the VTA provides contract transportation to the Adult Day Care Program and Senior Lunch Programs.

Park and Ride

There are two Park-and-Ride lots on the Vineyard, one in Edgartown and one in Oak Bluffs. These are primarily intended to serve employees (freeing up in-town spaces for shoppers), ferry passengers, and visitors. The Vineyard Transit Authority links these lots to town centers.

A small Park-and-Ride at the Oak Bluffs public works yard was operated on a trial basis in 2005, and Oak Bluffs is exploring potential land for another trial.

Sidewalks & Shared Use Paths

Most of the Vineyard's sidewalks and shared use paths dedicated to non-motorized travel lie in the Down-Island towns of Tisbury, Oak Bluffs and Edgartown. The relatively compact nature of these town centers is conducive to walking and cycling, but gaps in the infrastructure, narrow road rights-of-way and competition for vehicles traveling and parking are impediments. The bike paths provide direct links between the Down-Island towns, but stop at the perimeter of the downtowns and, notably, do not connect to the ferries. Bicycles are thus reintegrated with motor vehicles at the very places where the roadways are the most congested.

Bicycle and pedestrian paths run along Sea View Avenue from Oak Bluffs to Edgartown and along County Road. There is a bike lane on Lake Avenue in the heart of downtown.

Many sidewalks are less than four feet wide, are obstructed in many places with utility poles, signs and mailbox posts, or have uneven surfaces. These limitations are particularly problematic for the handicapped and elderly, people with strollers, and visitors with luggage. Even without obstructions, sidewalks can overflow with pedestrians near ferries in Vineyard Haven and Oak Bluffs, and shopping areas in all of the down-Island towns, and by queues for buses. Pedestrians often spill out onto the roadway which frequently conflicts with automobiles.

Major gaps in the SUP network are:

- Contiguous path from Oak Bluffs to Vineyard Haven;
- Contiguous path through or around Vineyard Haven and Oak Bluffs;
- Connections into the hearts of town centers, particularly to the ferry terminals

Proposed improvements include:

- Improve the SUP through the Hospital site and improve the existing segment along Eastville Avenue (MV Hospital, Oak Bluffs).
- Create a short SUP segment connecting the northeast corner of State Forest to the Vineyard Haven-Edgartown Road shared-use path
- Create a continuous SUP from the drawbridge to Sunset Lake
- Realign additional portions of County Road to provide buffer space between the road and the existing shared-use path

Ancient Ways

The Vineyard has a large network of unpaved paths and trails, many times more extensive than the shared-use paths. As with the SUP network, these trails provide walkers and, often, cyclists an important alternative to the roadways. More importantly, the trails greatly expand the network available to non-motorized traffic, connecting neighborhoods to one another and to public lands, or providing “short-cuts” to nearby destinations.

More than a dozen trails contain an historic connection to the Vineyard’s cultural past, with remnants of dozens of old cart paths predating the automobile, and even European settlement of the Island. Many of these trails - commonly referred to by the loose designation “ancient ways” - were the Indian paths and settler roads of yesteryear, connecting villages and running to great ponds and woodlots.

Boats and Harbor

Harbor

Oak Bluffs has a harbor with anchorage or marina facilities for 216 transient recreational boats in addition to hundreds more marina dockages, harbor moorings and anchorages used by residents. Oak Bluffs Harbor provides ferry service from mainland, pleasure boat dockage and moorings, and features permanent jetties.

Oak Bluffs recently rebuilt the North Bluff bulkhead to better accommodate the many ferries and tenders that use this portion of the harbor. The improvements included infrastructure integral to pedestrian and

vehicular circulation and staging. The town is now building new bulkheads in the vicinity of the East Chop Beach Club to improve the berthing of motor vessels, including a fire and rescue boat that was obtained through a federal emergency management grant.

Off-island Ferry Services

Steamship Authority: The SSA provides seasonal service from Woods Hole to Oak Bluffs. It is the only ferry that carries both passengers and vehicles between Martha's Vineyard and the mainland. Reconstruction of the Oak Bluffs ferry terminal was completed in 2010, and involved rebuilding the pier to accommodate some of the staging that had previously occurred on the street, and reorganizing the former staging area to allow for more efficient pick-up and drop-off – all to reduce the impact on through traffic. Trips into the Oak Bluffs terminal are sometimes diverted when the winds are high because it is difficult to dock and connect for vehicle and passenger unloading and loading. The Oak Bluffs terminal is only used seasonally.

Island Queen: Island Commuter Corporation operates the Island Queen between Oak Bluffs and Falmouth, with a capacity of 515 passengers. During their operating season of mid-June to mid-September, the Island Queen operates seven daily round trips, with additional sailings on the weekends. Limited service is provided in May and October.

Hy-Line: Hy-Line Cruises operates between Hyannis and Oak Bluffs, with a schedule that varies from season to season. In peak season, the 450-passenger M/V Brant Point makes four round trips per day.

SeaStreak Martha's Vineyard: Formerly New England Fast Ferry, this seasonal fast ferry service operates between Vineyard Haven and New Bedford (and seasonal service to Oak Bluffs) aboard the M/V SeaStreak with a capacity of 150 passengers. This service replaced the Schamonchi, which had been operated seasonally for several years by the Steamship Authority.

Martha's Vineyard Fast Ferry: This seasonal, high-speed service aboard a 400-passenger catamaran between Quonset Point, Rhode Island and Oak Bluffs started in 2003.

SCHOOLS⁴⁴

The Martha's Vineyard six public schools and the MV Public Charter School provide education from pre-kindergarten to grade 12, which are generally recognized as being of excellent quality. The school population has been declining for about eight years; the 2015 enrollment of 2,325 students was a little more than three-quarters of its facility capacity of 2,980. The public school system is the largest single Island employer, with about 600 employees.⁴⁵

Martha's Vineyard is a school choice district. Children may attend any school of their family's choice on the Island. They are not restricted to their town school in the lower grades if there is space available in the school of their choice outside of their town. If the number of applicants exceeds the number of spaces available, a lottery is held. Priority is given to siblings of currently enrolled students at the school of choice, and to children of employees at the school.

The town elementary schools serve grades k-8 with the exception of the Chilmark School, which only goes to the fifth grade. Chilmark is also the smallest school with an enrollment of sixty-two students in the

⁴⁴ Massachusetts Department of Elementary and Secondary Education. *School and District Profiles*. <http://profiles.doe.mass.edu/>. Accessed 9/8/16.

⁴⁵ Martha's Vineyard Commission. *Island Plan 2009*. February 2010.

2015-16 school year. Aquinnah is the only town without its own elementary school. Oak Bluffs Elementary has the largest enrollment (431 students) and the student body grew by fifty students between 2015 and 2016, the largest increase among the Island's elementary schools. West Tisbury added thirty-one students, the second largest increase. The Martha's Vineyard Public Charter School also serves k-8 students and had 132 students enrolled in these grades in 2015-16.

Students have two options on the Island for high school, the Martha's Vineyard Regional High School and the Martha's Vineyard Public Charter School. For the 2015-16 school year, the high school had an enrollment of 655 and the charter school 32, for grades 9-12.

Chilmark School

Chilmark School is a K-5 school located in Chilmark. It is one of two schools that makes up the Up-Island Regional School District. Its enrollment is the smallest of all the island schools with forty-eight students enrolled in 2015-16. The school had an enrollment of sixty-two students in 2014-15. Students from Chilmark School enter the West Tisbury School in the sixth grade.

Chilmark School's student body is more white (85.7 percent) than the other Island schools and 25 percent more white than the state. Chilmark School has a higher rate of multi-race, non-Hispanic students (5.4 percent) than the state (3.1 percent). Native American students and Hispanic students both make up 1.8 percent of the school's enrollment.

At the Chilmark School kindergarten and first grade are combined, second and third grades are combined and fourth and fifth grades are combined. The multi-age classroom offers many benefits to the student as well as the school community. The multi-age approach has been an integral piece of the Chilmark School's philosophy since its inception. This environment embraces the differences in learning styles and embodies cooperation and support between learners. Instruction is customized to a student's learning speed, rather than the student being confined to a grade level based set of expectations. Students experience new roles in a multi-age classroom - transitioning from novice to mentor within each two-year cycle. This growth promotes confidence, self-esteem and helps to nurture strong classroom communities.

West Tisbury School

The West Tisbury School is a k-8 school located in West Tisbury. It is one of two schools that makes up the Up-Island Regional School District. Students from Chilmark School enter the West Tisbury School in the sixth grade. West Tisbury School had 329 students enrolled for the 2015-16 school year. This is an increase of thirty-one students over 2014-15.

West Tisbury School's racial composition is 85 percent white, a 23 percent increase over the state. The school has a lower rate of African American (3 percent) and Hispanic (4.4 percent) students when compared to the state but a higher rate of both Native American (2.3 percent) and multi-race, non-Hispanic (4.7 percent) students than the state.

Oak Bluffs Elementary

Oak Bluffs Elementary is a k-8 school which had a student enrollment of 431 for the 2015-16 school year. Enrollment at the Oak Bluffs' school increased by close to fifty students since the 2014-15 school year. Oak Bluffs Elementary has a smaller white student population (66.8 percent) than other Island schools and a higher percentage of Hispanic students than other schools (17.4 percent) which is close to the state proportion of Hispanic students.

Tisbury Elementary

Tisbury Elementary is a k-8 school with an enrollment of 325 students for the 2016-17 school year. Enrollment at the school has remained relatively static since 2012, with a net loss of just six students over that time. 23 percent of students at Tisbury Elementary are Hispanic, 6 percent are multi-race, non-Hispanic and 3 percent are Native American. These are all higher than the state proportions in the same categories. The school has a smaller proportion of white students (64.7 percent) than other schools but is close to the state percentage (63.3 percent).

Edgartown School

The Edgartown School is a k-8 school that had 345 students enrolled in the 2015-16 school year. A new facility was built in 2003 to accommodate additional capacity of 550 students. There was a net increase of ten students between 2012 and 2016. 13 percent of students at the school are Hispanic, 5 percent are multi-race, non-Hispanic and 3 percent are Native American. The school has a higher proportion of white students (76.4 percent) than the state (63.3 percent).

Martha's Vineyard Regional High School (MVRHS)

MVRHS is the only high school on the Island and one of two schools that teaches grades 9-12. The Martha's Vineyard Regional High School has a 91 percent graduation rate, 6 percent higher than the state average, and a dropout rate of just 1 percent. The school has received the prestigious National Blue Ribbon School Award from the US Department of Education twice. The award recognizes schools "based on their overall academic excellence and their progress in closing achievement gaps among student sub-groups."⁴⁶

MVRHS enrolled 655 students in the 2015-2016 school year. This number represents a decrease in enrollment by thirty-two students over the previous year. The racial composition of the school more closely reflects the Island-wide population. As a regional school, racial distinctions within the town schools are less pronounced. However, multi-race, non-Hispanic students still make up a greater proportion in the school than they do at the state level. The MVRHS student body is almost 80 percent white and 2.4 percent Native American, and both of these are higher than the state proportions. Hispanic students make up 10 percent of the student body and African Americans, 2.4 percent, both lower than state proportions.

Compared with the state, a smaller proportion of students at MVRHS are Economically Disadvantaged or have Limited English Proficiency, 16.9 percent and 2.8 percent respectively. However, 19.2 percent of MVRHS students receive Special Education compared to 16.9 percent at the state level.

Martha's Vineyard Public Charter School (MVPCS)

The idea for the creation of an alternative school on the Island was developed in 1993 by a group of Vineyard parents, teachers and community members. In 1995, the Martha's Vineyard Public Charter School was authorized by the state, and in 1996 the school opened its doors to students. The school is now a k-12 school with a total enrollment of 178 students. The school's enrollment has remained relatively steady since 2012 with a net loss of four students between 2012-2016. Students are chosen by lottery.

MVPCS has a higher percentage of African American students (7.1 percent) than other Island schools which also approaches the state-wide proportion (8.6 percent). Almost 78 percent of students are white, higher than the state and 6.6 percent are multi-race, non-Hispanic, also higher than the state's proportions.

Regulatory Barriers

⁴⁶ US Department of Education: National Blue Ribbon Schools Program. <http://www2.ed.gov/programs/nclbbrs/index.html>. Accessed 9/8/16.

The Oak Bluff zoning bylaw includes a variety of provisions to encourage affordable housing and diversity of housing choice including:

- Affordable housing on undersized lots with a thirty-year low/moderate income affordability restriction
- Flexible development provisions with an inclusionary zoning requirement that requires units affordable to both households at or below 50 percent AMI and 80 percent AMI and provides a density bonus for affordable units
- Conversion of existing buildings to two- and multi-family dwellings, not new construction

Oak Bluffs zoning bylaw may have Fair Housing concerns⁴⁷ due to its limitation on renting of rooms to unrelated persons and its definition of “family.” Policies that have a limit of unrelated adults in a household may be considered discriminatory if they have an adverse impact on a protected class including people with disabilities. For example, limiting the number of unrelated persons in a dwelling can impact group home uses.

⁴⁷ The Fair Housing Act, which is the federal law governing housing discrimination, includes the following seven protected classes: race, color, religion, national origin, sex, disability, and familial status. Additionally, in Massachusetts, the Massachusetts Anti-Discrimination Act (MGL c. 151B s.1) includes the following protected classes: race, religious creed, color, national origin, sex, gender identity, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age, genetic information, ancestry, or marital status of such person or persons or because such person is a veteran or member of the armed forces, or because such person is blind, or hearing impaired or has any other handicap.

OVERVIEW OF ZONING BYLAW FOR RESIDENTIAL USES

Residential Uses Permitted

Oak Bluffs zoning bylaw includes four residential districts, two business districts, and one health care district – all of these districts allow residential uses as detailed below. The districts all permit detached single-family dwellings. One business district allows conversion of existing buildings to up to three-story apartment units by right and over three story by special permit. All the residential districts allow conversion to two-family dwellings. Construction of new multi-family or two-family dwellings are not permitted in any district except by special permit under the flexible development provisions.

Residential & Mixed-Use Districts	Minimum lot size	Residential Use Permitted	
		By Right	By Special Permit
R1	10,000 s.f. per unit	Detached single-family dwelling Boarders in single-family dwelling	Conversion to two-family dwelling Rooming/boarding guest house
R2	20,000 s.f. per unit	Detached single-family dwelling Boarders in single-family dwelling	Conversion to two-family dwelling Rooming/boarding guest house
R3	60,000 s.f. per unit	Detached single-family dwelling Boarders in single-family dwelling	Conversion to two-family dwelling Rooming/boarding guest house
R4	130,000 s.f. per unit	Detached single-family dwelling Boarders in single-family dwelling	Conversion to two-family dwelling
B1	None	Detached single-family dwelling Conversion to one, two, or three-story apartment units	Rooming/boarding guest house Conversion to over three-story apartment units
B2	10,000 s.f. per unit	Detached single-family dwelling	n/a
HC	10,000 s.f.	Detached single-family dwelling	Rooming/boarding guest house

Boarders in Single-Family Dwelling. The renting of rooms and/or furnishing of board to not more than three unrelated persons in a single family dwelling by the owner/occupant thereof shall be a permitted accessory use. The renting of rooms and/or furnishing of board to four or more unrelated persons shall be deemed a boarding house subject to the provisions of the Table of Regulations.

Definition of Family

The zoning bylaw provides the below definition for “family,” which presents Fair Housing considerations. Policies that require relations by blood/marriage and/or have a limit of unrelated adults in a household may be considered discriminatory if they have an adverse impact on a protected class including people with disabilities. For example, limiting the number of unrelated persons in a dwelling can impact group home uses, foster families, or other alternative household composition.

Any number of related individuals, or not more than four (4) unrelated individuals, living and cooking together on the premises as a single housekeeping unit.

Accessory Apartments – The bylaw allows accessory apartments in three districts (R1, R2, and R3) for owner-occupied properties (for five or more years).

Special Permit for Affordable Housing – The bylaw allows the Planning Board to grant a special permit for construction of an affordable dwelling unit on a lot of not less than 5,000 s.f. The provisions require a thirty-year affordable deed restriction and that the unit be restricted to a household with income at or below 80 percent of the area median.

Conversion to Two-Family and Multi-family Dwellings – The bylaw, per Section 7.1 and 7.2, allows conversions of single-family dwellings to two-families for lots with at least 8,000 s.f. and conversion to multi-family with a limit of two units for the first 5,000 s.f. and one additional unit for each additional 1,000 s.f. of lot area.

Flexible Development – The bylaw permits in all zoning districts, through a special permit from the Planning Board, the construction of single, two, and multi-family dwellings with up to five units per building on lots with modified lot size and other dimensional requirements. The bylaw requires that ten percent of the units are affordable to households with incomes at or below 50 percent of the area median income and 15 percent of units affordable to households with income at or below 80 percent of the area median income. The affordable units do not count toward total units allowed for developments of over ten units. The bylaw provides a density bonus of up to 40 percent of the basic density for more open space, units for households over fifty-five years old, and for any transfer lots (of not less than 20,000 s.f.).

OVERLAY DISTRICTS

- **Flood Plain Overlay District** - New construction must comply with design standards to minimize flood damage.
- **Water Resource Protection Overlay District** – The purpose of this district is to protect the drinking water supply. Residential development is permitted provided wastewater flows meet standards for nitrogen sensitive areas.
- **Coastal Regulations** – Regulates floor level height, design of septic systems, and design of water supplies as well as setbacks of structures.
- **Coastal District** - No residential in the Shore Zone but single-family is allowed in the Inland Zone.
- **Island Road Districts** - Allows uses per the underlying zoning district but limits vehicular access and height of structures.
- **Special Ways** - Allows uses per the underlying zoning district but limits fences, vegetation removal, and vehicle use
- **Special Places District** – Includes Duarte Pond in Oak Bluffs. Requires a special permit for residential and demonstration that there is no other location on lot for the use. No septic system can be installed in a special place district for an inland pond.
- **Copeland Plan District** – This district primarily restricts design and height of development to ensure compatibility with the Victorian style prevalent in the district.
- **Oak Bluffs Harbor District** – This district's purpose is primarily design-oriented and requires site plan review to ensure architectural consistency and visual connections to Oak Bluffs Harbor.
- **Southern Woodlands District** – This district's purpose is to protect water supply, wildlife habitat, trails, archaeological sites, and woodlands and allows uses per the underlying zoning district but requires site plan review. Uses requiring a larger water withdrawal would be referred to the Martha's Vineyard Commission as a Development of Regional Impact (DRI).

2014 MVC ZONING ANALYSIS

The 2014 MVC Zoning Analysis listed the following among Oak Bluffs zoning provisions that encourages affordable housing.

- Allows conversion of single-family dwellings to two-family and multi-family dwellings by right
- Subdivision for affordable housing provisions
- Inclusionary zoning for affordable housing provisions

To help implement the recommendation of this zoning analysis, the MVC is proposing that each town adopt uniform definitions in its zoning bylaw including the following key terms: affordable housing (up to 80 percent AMI) and community housing (81 to 150 percent AMI).

HISTORIC DISTRICTS

Oak Bluffs has no local historic districts under MGL c.40C, but the Copeland Plan District, described above, has design regulations and review requirements that are similar to an historic district.

CHAPTER 7

IMPLEMENTATION CAPACITY & RESOURCES

Island-wide Organizations

The major housing providers on the Island offer substantial and growing capacity to address Island housing needs. These organizations and their particular niches are summarized below:

Dukes County Regional Housing Authority (DCRHA)⁴⁸: DCRHA is unusual in that it provides services Island-wide as opposed to just one specific municipality. Also, unlike most housing authorities, which rely on state and federal housing funds, DCRHA has financed its projects locally, and through other types of subsidies.

- The Housing Authority manages seventy-seven year-round Rental Apartments across the island, which serve over 170 island residents who make less than 80 percent of the area median income.
- In addition, the Housing Authority administers town-funded Rental Assistance for seventy households in market rentals, monitors over forty-five apartments permitted through the West Tisbury Accessory Apartment By-law and maintains an Island-wide rental wait list. The Housing Authority partners with other organizations that offer assistance with rent, utility and apartment rehabilitation costs to Island tenants and landlords.
- The Housing Authority maintains a database of those households interested in affordable home buying opportunities offered on Martha's Vineyard by towns, organizations or developers. Completion of the Homebuyer Clearinghouse Form allows the Housing Authority to contact households directly when specific opportunities become available.
- The Housing Authority further assists towns and developers by administering lotteries of homes and home sites, providing homebuyer education training to lottery participants and providing affordability monitoring services for deed restricted properties.
- The Housing Authority participates in advocacy and planning efforts in partnership with the Martha's Vineyard Commission, the County of Dukes County, the MA Department of Housing and Community Development, other agencies and non-profits as well as private individuals and groups at work on the Island's housing issues.

Island Elderly Housing (IEH)⁴⁹: IEH focuses on senior rental housing and younger disabled individuals. With the availability of developable IEH property, the organization has expressed renewed interest in developing additional units for seniors.

- IEH provides 165 apartments for the low income elderly and the disabled of the Vineyard. IEH has four campuses: Hillside Village and Love House in Vineyard Haven and Woodside Village and Aidylberg Village in Oak Bluffs. Woodside Village has 95 apartments, Hillside Village (55), Aidylberg Village (10) and Love House (5).
- IEH receives funding from the Department of Housing and Urban Development (HUD) and the Department of Agriculture Rural Development (USDA). This funding is for housing only. The

⁴⁸ Dukes County Regional Housing Authority. <https://housingauthoritymarthasvineyard.org/>. Accessed 8/27/16.

⁴⁹ Island Elderly Housing. <http://www.iehmv.org/about-us/>. Accessed 8/27/16.

supportive services offered, such as transportation and community meals, depend on private donations.

Island Housing Trust (IHT):⁵⁰ IHT was established as a Community Land Trust for the stewardship of land and the development of permanently affordable rental and ownership housing by holding long-term ground leases. Their model lowers the initial cost of homeownership by eliminating the land cost and a portion of the construction costs through grants and donations. IHT is also certified as a Community Development Corporation (CDC)⁵¹ which provides the organization with a wider network of housing providers.

- Over the past nine years IHT has sold or rented over seventy homes and apartments to low and moderate-income families throughout Martha's Vineyard. The organization's goal is to double the annual rate of safe, stable year-round affordable homes available to island families from 70 to 180 by 2020, by working in partnership with island towns, other housing organizations, and individuals.
- IHT's designation as a CDC will allow it to move more aggressively into rental housing development if given the appropriate support.
- IHT created eleven affordable units in 2014, seven in 2015 and is expecting to create twenty-two in 2016-2017.

IHT's has partnered multiple times with the Martha's Vineyard Land Bank, including projects at Eliakims Way in West Tisbury, Takemmy Path in Tisbury, Kuehn's Way in Tisbury, and Beach Road Way in Aquinnah, to create conservation based affordable housing initiatives, and the DCRHA (Sepiessa and Halcyon Way in West Tisbury) and Town of West Tisbury (565 Edgartown Road & Bailey Park), Town of Tisbury (325 Lamberts Cove Rd, 129 Lake Street), Town of Aquinnah (Church Street, 20 State Road, 45 State Road), Town of Edgartown (22nd St), and the Town of Oak Bluffs (27 Sunset Ave) to create or preserve ownership and/or rental housing.

In addition, the IHT has collaborated with private developers (Fisher Road, West Tisbury, North Summer Street, Edgartown) who have built and sold homes and transferred the land to the IHT to ground lease with restrictions to the homeowners.

IHT has secured funding from the FHLB Boston Affordable Housing Program (AHP) through member banks such as the Edgartown National Bank for rental and ownership projects as well as Low Income Housing Tax Credits (LIHTC), and competitive state grant funding programs for rental projects. IHT has secured and invested \$4.9 million in CPA funding in ownership (twenty-nine units) and rental (fifteen units) projects over the past eleven years. In addition, IHT has secured and invested approximately \$5.8 million in private donations in ownership (thirty-six units) and rental (fifteen rentals) over the past eleven years.

Habitat for Humanity of Martha's Vineyard: Habitat Martha's Vineyard's mission is to build simple, decent homeownership housing for families in the lowest qualifying income ranges. While the volume of development is very low, with only one or two units completed per year, each build is in essence a community-building initiative that brings awareness and a spirit of good will to the issue of affordable housing.

⁵⁰ Island Housing Trust. <http://www.ihtmv.org/about/>. Accessed 8/27/16.

⁵¹ Community development corporations (CDCs) are non-profit, community-based organizations that anchor capital locally through the development of residential and/or commercial property, ranging from affordable housing to shopping centers and businesses. While often neighborhood-based, CDCs can extend far beyond the bounds of a single community to cover an entire city, county, multi-county region or state.

The Martha's Vineyard Land Bank Commission⁵²: The Land Bank's principal mission is to protect land for conservation across the Island and since its inception in 1986, the Land Bank has preserved 3,100 acres for conservation. However, the Land Bank recognizes the Island's affordable housing need and has set forth policies to address the dual interests of preserving land and creating affordable housing. The Land Bank may cooperatively purchase land with a town or housing entity for the purpose of preserving land and creating affordable housing. In addition, the following Land Bank policies support the development of housing:

- In order to encourage density in the Island's village centers, the Land Bank has made preserving land within village centers a secondary priority.
- The Land Bank requires that any land or building it acquires that may be used for affordable housing must have perpetual affordability attached, and the housing must be entirely affordable with no market rate units allowed.
- The Land Bank performs analysis prior to every land purchase to determine if the land could support affordable housing along its fringe and recommends that the seller sell that portion of the property to the Dukes County Regional Housing Authority or another suitable entity to be used for affordable housing.
- The Land Bank will allow the siting of septic and wells on its properties for the development of affordable housing when that development minimally impacts the integrity of the land.
- If buildings are present on a Land Bank acquisition, the organization may subdivide the property so the buildings can be used for affordable housing and managed by a housing entity, it may offer the buildings to be moved by a housing entity at no cost, and lastly, if the buildings will not serve the Land Bank or a housing entity, the Land Bank will offer the fixtures and components to a housing entity for removal and re-use.

The Resource, Inc. for Community and Economic Development (TRI): TRI is a non-profit, community development corporation founded in response to a consortium of town and private sector representatives who wished to more actively and innovatively impact housing and economic development in Southeastern Massachusetts, Cape Cod and the Islands. TRI has two offices, one of which is in Vineyard Haven.

Since its incorporation in 1994, TRI has secured funding for and successfully managed federal, state and local housing rehab and development projects for 15 Massachusetts communities. TRI's research, design and implementation efforts have resulted in the award of more than \$20 million in housing rehabilitation funds for the completion of 500+ rehabilitation, repairs and renovations for eligible homeowners and community development initiatives. The majority of TRI's housing rehab experience has been in the successful completion of MA CDBG Small Cities Housing Rehab program management and delivery in communities located in Southeastern Massachusetts.

COLLABORATION

Many of these organizations, true to their own mission and capacity, have found it useful to collaborate, leading to a spirit of mutual support rather than competition. In addition, Habitat for Humanity, the Island Housing Trust and the Housing Authority are all located in the Vineyard Housing Office in Vineyard Haven. Examples of collaboration include:

⁵² Martha's Vineyard Land Bank Commission. *Affordable Housing Policy*. October 27, 2009.

- IHT has partnered with Habitat for Humanity on six houses, executing ground leases for 60 Andrews Road (Tisbury), 148-A Edgartown-Vineyard Haven Road (Oak Bluffs), 21 11th Street (Edgartown), and 45, 49 and 50 Bailey Park (West Tisbury).
- DCRHA has organized home-buyer trainings and has qualified all of IHT's homebuyers.
- DCRHA serves as property manager for a rental property built and owned by IHT at Halcyon Way (West Tisbury), and will continue to enter into management contracts with IHT on their rental developments.
- DCRHA manages properties developed by other entities including the towns of Oak Bluffs and Chilmark, and the Resource, Inc.
- Joint fundraising efforts have been launched by IHT, DCRHA and HFHMV.

Partnerships

In addition to the Island housing development and management entities described here, there are occasions when these organizations will require the increased capacity and experience of off-Island developers to undertake larger-scale projects. This is particularly true when multiple layers of financing are required in larger development projects.

The Community Builders (TCB): TCB is an example of an off-Island developer that partnered with the town of Edgartown in the development of housing at Pennywise Path, now called Morgan Woods. TCB is a nationally-recognized organization with offices in the Boston, the mid-Atlantic and mid-west. The organization continues to own and manage the Morgan Woods project.

Community Preservation Act Funds

Oak Bluffs adopted the Community Preservation Act (CPA) per MGL s.44B to collect revenues through a local property tax surcharge and variable annual state Community Preservation Trust Fund distribution. CPA funds must be spent or set aside for future spending to preserve open space and historic resources, create and preserve affordable housing, and to develop or improve outdoor recreational facilities.

Oak Bluffs adopted CPA in 2005 with the maximum local property tax surcharge of three percent. In addition, Oak Bluffs adopted an exemption on the first \$100,000 of residential property value.

Oak Bluffs has raised \$6,909,205 of CPA revenue since adoption through FY2016 (including the local property tax surcharge and the state Community Preservation Trust Fund distributions). The CPA statute requires that at least 10 percent of total revenue be spent or set aside for future spending for creation, preservation, or support of community housing (defined as housing affordable to households at or below the area median income).

Oak Bluffs Affordable Housing Committee

Mission

The Oak Bluffs Affordable Housing Committee was created to work towards the Commonwealth's goal of designating 10 percent of the town's year-round housing stock for affordable housing, as defined by the Department of Housing and Community Development (DHCD), to be counted towards the state's Chapter 40B Subsidized Housing Inventory.

Committed to Affordable Housing

In addition, Oak Bluffs is committed to increasing the number of decent affordable housing opportunities for Island residents while preserving its unique characteristics and charm. The town also recognizes the need for a diverse housing stock in order to have a healthy and economically diverse community. This is especially critical in light of the recent history of escalating property values.

The Town looks forward to continuing its work with the other Island towns, the Dukes County Regional Housing Authority, the Martha's Vineyard Commission, and the other Island affordable housing groups in developing a long-range solution to this current critical problem.

Objectives and Goals

- The town will work to increase the supply of safe, decent, year-round housing available to residents of low, moderate, and middle incomes.
- The town will work to increase the supply of rental units for elderly residents.
- The town will continue to serve as the lead community for DHCD's Small Cities Program which assists in financing and rehabilitation of existing homes.

APPENDIX A

DHCD AFFIRMATIVE FAIR HOUSING MARKETING GUIDELINES

The Commonwealth of Massachusetts has a compelling interest in creating fair and open access to affordable housing and promoting compliance with state and federal civil rights obligations. Therefore, all housing with state subsidy or housing for inclusion on the SHI shall have an Affirmative Fair Housing Marketing Plan. To that end, DHCD has prepared and published comprehensive guidelines that all agencies follow in resident selection for affordable housing units.

In particular, the local preference allowable categories are specified:

- *Current Residents.* A household in which one or more members is living in the city or town at the time of application. Documentation of residency should be provided, such as rent receipts, utility bills, street listing, or voter registration listing.
- *Municipal Employees.* Employees of the municipality, such as teachers, janitors, firefighters, police officers, librarians, or town hall employees.
- *Employees of Local Businesses.* Employees of businesses located in the municipality.
- *Households with Children.* Households with children attending the locality's schools.

These were revised on June 25, 2008, removing the formerly listed allowable preference category, "Family of Current Residents."

The full guidelines can be found here: <http://www.mass.gov/hed/docs/dhcd/hd/fair/afhmp.pdf>.

APPENDIX B

INTERAGENCY BEDROOM MIX POLICY

INTRAGENCY AGREEMENT

Regarding Housing Opportunities for Families with Children

This Interagency Agreement (this "Agreement") is entered into as of the 17th day of January, 2014 by and between the Commonwealth of Massachusetts acting by and through its Department of Housing and Community Development ("DHCD"), the Massachusetts Housing Partnership Fund Board ("MHP"), the Massachusetts Housing Finance Agency (in its own right and in its capacity as Project Administrator designated by DHCD under the Guidelines for Housing Programs in Which Funding is Provided by Other Than a State Agency, "MassHousing"), the Massachusetts Development Finance Agency ("MassDevelopment") and the Community Economic Development Assistance Corporation ("CEDAC"). DHCD, MHP, MassHousing, MassDevelopment and CEDAC are each referred to herein as a "State Housing Agency" and collectively as the "State Housing Agencies".

Background

A. DHCD's 2013 Analysis of Impediments to Fair Housing Choice ("AIF") includes action steps to improve housing opportunities for families, including families with children, the latter being a protected class pursuant to fair housing laws, including the federal Fair Housing Act, as amended (42 U.S.C. §§ 3601 et seq.) and Massachusetts General Laws Chapter 151B. In order to respond to development patterns in the Commonwealth that disproportionately impact and limit housing options for families with children, such steps include requiring a diversity of bedroom sizes in Affordable Production Developments that are not age-restricted and that are funded, assisted or approved by the State Housing Agencies to ensure that families with children are adequately served.

B. The State Housing Agencies have agreed to conduct their activities in accordance with the action steps set forth in the AIF.

C. This Agreement sets forth certain agreements and commitments among the State Housing Agencies with respect to this effort.

Definitions

1) "Affordable" - For the purposes of this Agreement, the term "Affordable" shall mean that the development will have units that meet the eligibility requirements for inclusion on the Subsidized Housing Inventory ("SHI").

2) "Production Development" - For purposes of this Agreement "Production Development" is defined as new construction or adaptive reuse of a non-residential building and shall include rehabilitation projects if the property has been vacant for two (2) or more years or if the property has been condemned or made uninhabitable by fire or other casualty.



Agreements

NOW, THEREFORE, DHCD, MHP, MassHousing, MassDevelopment and CEDAC agree as follows:

Bedroom Mix Policy

- 1) Consistent with the AI, it is the intention of the State Housing Agencies that at least ten percent (10%) of the units in Affordable Production Developments funded, assisted or approved by a State Housing Agency shall have three (3) or more bedrooms except as provided herein. To the extent practicable, the three bedroom or larger units shall be distributed proportionately among affordable and market rate units.
- 2) The Bedroom Mix Policy shall be applied by the State Housing Agency that imposes the affordability restriction that complies with the requirements of the SHI.
- 3) The Bedroom Mix Policy shall not apply to Affordable Production Developments for age-restricted housing, assisted living, supportive housing for individuals, single room occupancy or other developments in which the policy is not appropriate for the intended residents. In addition, the Bedroom Mix Policy shall not apply to a Production Development where such units:
 - (i) are in a location where there is insufficient market demand for such units, as determined in the reasonable discretion of the applicable State Housing Agency; or
 - (ii) will render a development infeasible, as determined in the reasonable discretion of the applicable State Housing Agency.
- 4) Additionally, a State Housing Agency shall have the discretion to waive this policy (a) for small projects that have less than ten (10) units and (b) in limited instances when, in the applicable State Housing Agency's judgment, specific factors applicable to a project and considered in view of the regional need for family housing, make a waiver reasonable.
- 5) The Bedroom Mix Policy shall be applicable to all Production Developments provided a Subsidy as defined under 780 CMR 55.02 or otherwise subsidized, financed and/or overseen by a State Housing Agency under the M.G.L. Chapter 40B comprehensive permit rules for which a Chapter 40B Project Eligibility letter is issued on or after March 1, 2014. The policy shall be applicable to all other Affordable Production Developments funded, assisted, or approved by a State Housing Agency on or after May 1, 2014.



APPENDIX C

COMPREHENSIVE PERMIT DENIAL & APPEAL PROCEDURES

(a) If a Board considers that, in connection with an Application, a denial of the permit or the imposition of conditions or requirements would be consistent with local needs on the grounds that the Statutory Minima defined at 760 CMR 56.03(3)(b or c) have been satisfied or that one or more of the grounds set forth in 760 CMR 56.03(1) have been met, it must do so according to the following procedures. Within 15 days of the opening of the local hearing for the Comprehensive Permit, the Board shall provide written notice to the Applicant, with a copy to the Department, that it considers that a denial of the permit or the imposition of conditions or requirements would be consistent with local needs, the grounds that it believes have been met, and the factual basis for that position, including any necessary supportive documentation. If the Applicant wishes to challenge the Board's assertion, it must do so by providing written notice to the Department, with a copy to the Board, within 15 days of its receipt of the Board's notice, including any documentation to support its position. The Department shall thereupon review the materials provided by both parties and issue a decision within 30 days of its receipt of all materials. The Board shall have the burden of proving satisfaction of the grounds for asserting that a denial or approval with conditions would be consistent with local needs, provided, however, that any failure of the Department to issue a timely decision shall be deemed a determination in favor of the municipality. This procedure shall toll the requirement to terminate the hearing within 180 days.

(b) For purposes of this subsection 760 CMR 56.03(8), the total number of SHI Eligible Housing units in a municipality as of the date of a Project's application shall be deemed to include those in any prior Project for which a Comprehensive Permit had been issued by the Board or by the Committee, and which was at the time of the application for the second Project subject to legal appeal by a party other than the Board, subject however to the time limit for counting such units set forth at 760 CMR 56.03(2)(c).

(c) If either the Board or the Applicant wishes to appeal a decision issued by the Department pursuant to 760 CMR 56.03(8)(a), including one resulting from failure of the Department to issue a timely decision, that party shall file an interlocutory appeal with the Committee on an expedited basis, pursuant to 760 CMR 56.05(9)(c) and 56.06(7)(e)(11), within 20 days of its receipt of the decision, with a copy to the other party and to the Department. The Board's hearing of the Project shall thereupon be stayed until the conclusion of the appeal, at which time the Board's hearing shall proceed in accordance with 760 CMR 56.05. Any appeal to the courts of the Committee's ruling shall not be taken until after the Board has completed its hearing and the Committee has rendered a decision on any subsequent appeal.

Source: DHCD Comprehensive Permit Regulations, 760 CMR 56.03(8).

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