

MOTION TO ENDORSE AMENDMENT

MOVED: That the Planning Board hereby agrees to waive its right to declare void the special permit issued to Corey Kupersmith and Down Island Golf Club as voted by the Board on November 12, 2004, and filed with the Town Clerk on November 15, 2004, because of failure to comply with condition 12 thereof, provided that the applicant agrees to an amendment of the permit to add all conditions of the Buyer's proposed modification to existing permit (presented by Geoghan Coogan at the July 30, 2015 Oak Bluffs Planning Board public hearing and copied below) which include further payment of \$700,000 to the Oak Bluffs Municipal Housing Trust to support its affordable housing program, and to impose restrictions and/or changes to the sewage disposal system to insure the nitrogen level will be no more than 19 milligrams per liter.. It is understood that such amendment will first require Martha's Vineyard Commission review and thereafter notice and hearing in accordance with Massachusetts General Laws chapter 40A, section 11.

Buyer's proposed modifications to existing permits:

1. Open Space

1.1 Equestrian Theme/Paddocks/Bunk House: The existing approvals permit equestrian riding rings, stables, paddocks, guest house of 6 bedrooms and 2 bedroom caretakers bunk house in Open Space 2.

1.2 Offer: The buyer will eliminate that use of Open Space 2. Chaise Road will remain in its current location.

2 Special Ways

2.1 Special Ways Existing Approval: The Special Ways as designated in the approval travel over a number of the lots within the subdivision, thereby effectively making some of the lots unbuildable. The original decision contemplated the movement of some portions of the Special Ways.

2.2 Offer on Special Ways: See attached plan for re-routing of the Special Ways. The "Back Way Connector" would be re-routed along Paddock Road. The buffer zone around those portions of the re-routed Special Ways which are located on the Lots, Lot Lines or along the Road, will be limited to ten (10) feet on either side of the Way as it runs in those areas, thereby creating a total of thirty (30) feet. Excluded from such buffer zones would be any driveways accessing each building Lot.

3. Rear Portion of Lots 12, 13 and 14

3.1 The buyer could agree to a one hundred (100) foot setback on the rear line of Lots 12, 13 and 14, the first fifty (50) feet of which would be a no-cut zone restricted in each deed. The Lot dimensions would remain as per the existing plan. 2

4. Affordable Housing

4.1 Existing Affordable Housing Requirement Per Approvals: The current approvals required the following total compensation:

- a. Donation of 1 Acre to Island Elderly Housing, houses 10-14 units of elderly housing. This property has been conveyed and is currently assessed by the Town of Oak Bluffs at over \$2,400,000.00.
- b. \$100,000.00 to be paid within six (6) months following the sale to the Land Bank.
- c. \$10,000.00 per Lot to be paid on the sale of each individual lot (\$260,000.00)
- d. \$500.00 per Lot per year accrual, to be paid as accrued on the subsequent sale of each Lot. \$13,000 per year accrual.

4.2 Offer: The buyer offers to enhance the existing conditions to result in the following:

- a. Donation of 1 Acre to Island Elderly Housing. \$2,400,000.00.
- b. \$50,000.00 has been paid pursuant to the original agreement.
- c. \$700,000.00 to be paid at the time of the transfer from NLP to the buyer, subject only to NLP final agreement on division of this donation.

5. Nitrogen

5.1 Existing Approvals: The existing Town of Oak Bluffs Planning Board approval states, in pertinent part, that the "Board finds that the surface water, groundwater or other water bodies will not be polluted by the Project." The decision goes on to state that the "closest bodies of water are 2,200 and 3,600 feet from the proposed locations of the projects closest wastewater treatment system and separated from those ponds by open woodlands and/or other existing developments, and that the open space/conservation driven design of the Project will protect the ponds from any impacts from the Project. With respect to groundwater, the board finds that the groundwater is approximately 85 or more feet from the ground surface, that with the design of the site septic systems and minimal use of on-site irrigation wells and the conditions imposed by the MVC Decision (and herein) no pollution or impact to groundwater will occur, conclusions completely supported by the MVC Decision.

5.2 Offer: In the past ten (10) years the buyer understands that there has been additional development in other areas of the Town and Island which has impacted the ponds. This site however has remained unchanged and the conservation areas and groundwater levels remain the same. Under existing conditions the site without taking into consideration the surrounding conservation land used in original calculations, could support up to 190 bedrooms. The buyer hereby offers to restrict the bedroom count to a total of 156 bedrooms on the site, and to require each Lot to install enhanced septic systems, or other technology as it becomes available, to insure the nitrogen level will be no more than 19 milligrams per liter.

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