

THE  
MARTHA'S VINEYARD  
COMMISSION

BOX 1447, OAK BLUFFS, MASS. 02557. 693-3453

DECISION OF  
THE MARTHA'S VINEYARD COMMISSION  
DESIGNATING  
THE DOCTOR FISHER ROAD DISTRICT

AS A  
DISTRICT OF CRITICAL PLANNING CONCERN  
AUGUST 26, 1976

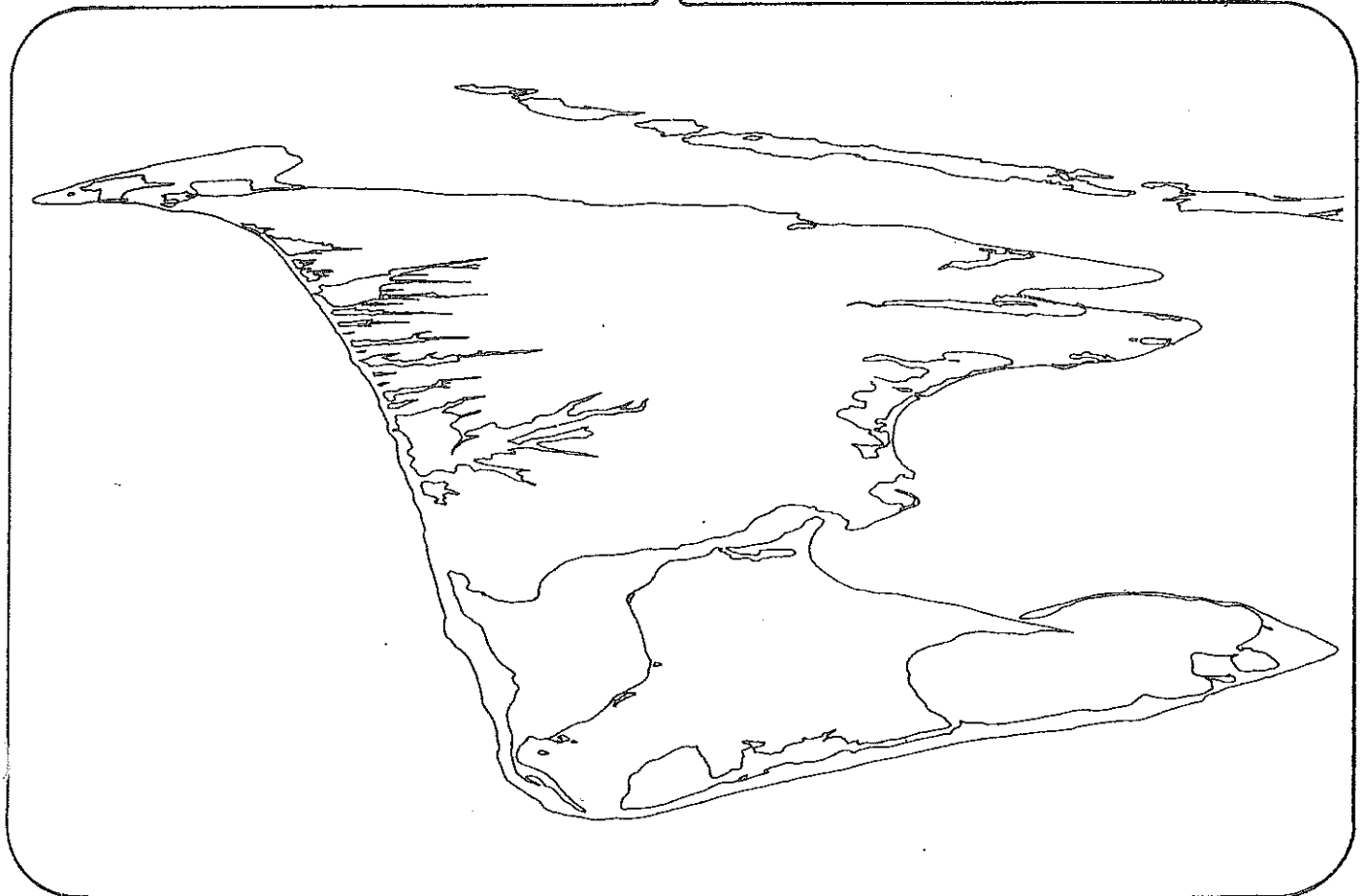




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## Section 1.00 General

As authorized by Chapter 637 of the Acts of 1974, as amended by Chapter 759, of the Acts of 1974 ("the Act"), the Martha's Vineyard Commission ("the Commission") hereby designates as a District of Critical Planning Concern ("a District"), the specific geographical areas hereafter described, to be known as the Doctor Fisher Road District.

The Commission held a public hearing at 8:00 p.m. on August 12, 1976 at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts on the proposed West Tisbury-Edgartown District, after due public notice to the municipalities, publications, and notice required under Massachusetts General Laws, Chapter 30A, Section 2. The public hearing was held as required under the Act to permit the Commission to receive testimony relating to whether it should designate specific geographic areas within the proposed District as a District of Critical Planning Concern.

The Commission received a nomination from the Board of Selectmen of the Town of West Tisbury, nominating the Doctor Fisher Mill and Road (Nomination WTE-5-111). At its July 1, 1976 meeting, the Commission voted to accept for consideration the nominated area, specifically, the area within 150 feet of the Mill and within one hundred (100) feet of either side of the centerline of the Doctor Fisher Road from where it intersects the Edgartown-West Tisbury Road in Edgartown to where it intersects State Road in North Tisbury.

Copies of all nominations and documents relating thereto and the area accepted for consideration are incorporated herein and are on file at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts.

On Thursday, August 26, 1976, the Commission voted to designate the nominated area as a District of Critical Planning Concern. Section 9 through 11 and Section 3 of the Act provide the process for amending the boundaries, adoption of development guidelines, and regulation of the District to which development must conform.

Section 2.00 Area Designated

Upon consideration of information submitted to it, the Commission's familiarity with lands and waters of the District, site visits, written testimony, and pursuant to the Act and the Commission's Criteria and Standards for Districts of Critical Planning Concern ("the Qualifications") adopted under the Act and appended hereto and marked Appendix "A", the Commission makes findings herein and hereby designates the Doctor Fisher Road District, including those lands and waters lying within twenty (20) feet of the centerline of the Doctor Fisher Road from where it intersects the Edgartown-West Tisbury Road in Edgartown to where it intersects State Road in the North Tisbury section of West Tisbury. The land so described, however, which lies within the Martha's Vineyard State Forest is not affected by this decision, pursuant to the exemption of lands owned by the Commonwealth in section 2 of the Act.

The Doctor Fisher Road District boundaries conform to Qualification Section 1.20. The Commission finds that the lands and waters therein reasonably belong within the Doctor Fisher Road District. Lands and waters within the District are a critical area and the Commission finds that this area needs protection afforded by the Act. The area designated is a logical planning area and is suitable for the adoption of coordinated regulations for the District as a whole. Finally, the Commission finds that the boundaries of the Doctor Fisher Road District, as established, are both convenient and recognizable.

Section 3.00 Why the Area has been Designated

When designating a District, Section 9 of the Act requires the Commission to specify why the area is of critical concern to the region, the problems associated with uncontrolled or inappropriate development, and the advantages to be gained by the development of the area in a controlled manner.

The Commission specifically finds that lands within the Doctor Fisher Road District are essential to preserve the historic and cultural values of Martha's Vineyard, maintain and enhance the safety of transportation along the roadways, to protect the diversity of the road experience and the visual nature of the Island as seen from the roadways. Moreover, the Commission finds that the area within the Road District possesses unique historical significance, and the safety of travel along the roadways may be deleteriously affected by improper access and development. The Commission finds that development within the Doctor Fisher Road District must be controlled to prevent harm to persons who might undertake such development and to Island residents and visitors.

In considering the problems of inappropriate or uncontrolled development within the Doctor Fisher Road District, the Commission finds that so important are these lands and the values they create

and support, because of their historical, visual and transportation elements, that to maintain and enhance the health, safety, and general welfare of Island residents and visitors, and for present and future generations, special development controls within the District must be adopted.

In considering the advantages to be gained by development in a controlled manner, the Commission finds that development which conforms to the regulations to be established pursuant to the Guidelines adopted by this Decision will contribute much to solving the problems of uncontrolled or inappropriate development.

The Qualifications require the Commission to address itself to the need for designation. To that end, the Commission finds there exists a regional need for special regulations and planning to protect the Doctor Fisher Road District from damage and loss resulting from inappropriate development. The Commission specifically finds that the present public and private regulations in a substantial part of the District cannot assure protection, and that damage to the District, or impediments to proper development, will be a substantial loss to the region or to two or more towns.

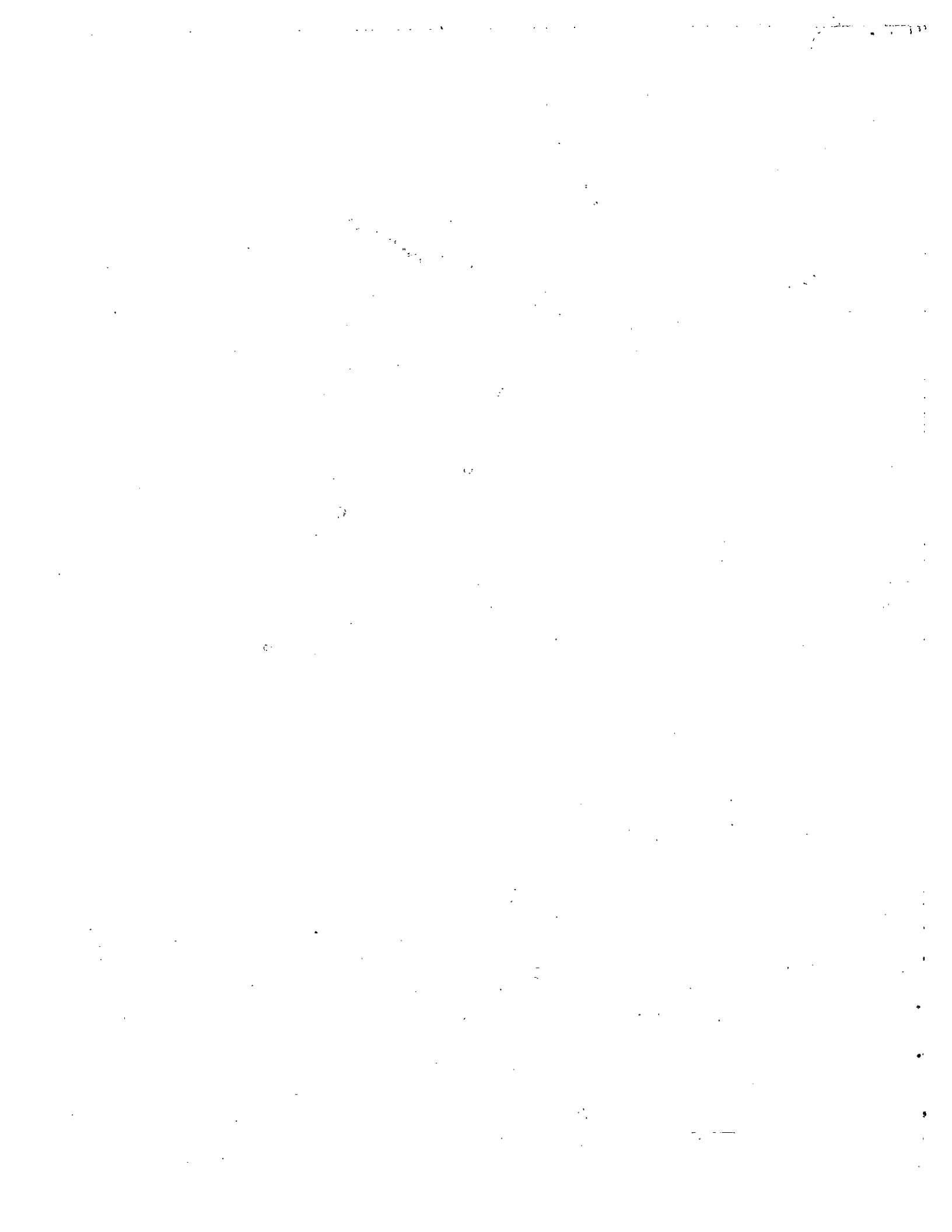
In adopting its findings, the Commission has particularly been guided by the testimony presented at Public Hearing, which is adopted and incorporated herein by reference.

Section 4.00 What Kind of District

Section 9 of the Act permits the Commission to designate a District only in accordance with the Standards and Criteria approved under the Act. Such a District may be designated only for one or more of the following:

- "a) an area which possesses unique natural, historical, ecological, scientific, or cultural resources of regional or statewide significance;
- b) an area which possesses marginal soil or topographic conditions which render it unsuitable for intense development; or
- c) an area significantly affected by, or having significant impact on, an existing or proposed major public facility or other area of major public investment."

Specifically, with respect to the first element of Section 9 of the Act, concerning unique natural, historical, ecological or statewide significance, the District meets the Specific Qualifications of the Cultural or Historic Resource District, Section 2.50.





Section 4.10      Compliance with Criteria and Standards

Cultural and Historic District

The Doctor Fisher Road is an ancient way, left to infrequent use. Like the special ways designated by the Martha's Vineyard Commission in its December 22nd, Island Road District designation it is historic by definition. Also, by definition, however, it has not been part of Island life and commerce for some time. It is a unique resource because it is a public right of way not committed to extensive major vehicular travel. If the vehicular travel can be minimized it offers a resource which can be developed as a means to experience the Island landscape by slower means of transportation, such as walking, horseback riding, or possibly bicycling. It is a case where proper development guidelines at this time may preserve the historic aspects of old right-of-way while enhancing it for use by Island residents and visitors. Development near the Special Way is not so injurious as it might be along major vehicular transportation corridors, because it could be pleasant to walk or horseback ride through populated, as well as unpopulated areas. However, new vehicular roads in the area would be on new rights-of-way, thus preserving the Special Ways for alternative forms of transportation.<sup>1</sup>

Section 5.00      Guidelines

The Commission adopts the following guidelines ("the Guidelines") for the development of the Doctor Fisher Road District. In adopting the Guidelines, the Commission has evaluated each of the considerations enumerated by Section 9 and Section 3 of the Act and, in addition, has considered other relevant matters.

Towns shall, in the manner required by the Act, adopt Regulations which as a minimum comply with these Guidelines for the development of the District. Each town may adopt such regulations under zoning, subdivision, health general by-law or any combination of such authorities it deems best suited for the purpose. The Commission draws the towns' attention to Section 11 of the Act which in part provides, "In adopting such regulations, each municipality shall have all of the powers it otherwise had under the General Laws." The Commission also encourages municipalities to adopt compatible regulations within the District.

Section 5.10      Goals

To protect historic places, to retain these ways open primarily for uses such as walking and horseback riding, but not developed as a primary vehicular route, except for access, to properties where no alternative access exists.

5.20      Establishment of Guidelines

5.201      As used herein the words "development", "permit", "regulations" shall have the same meaning as in the Act.

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1. Vineyard Open Land Foundation, Looking at the Vineyard, 1973



- 5.202 The town shall adopt regulations of the types described in the Act as appropriate conforming to these Guidelines to control development within the Doctor Fisher Road District.
- 5.203 In appropriate cases, after notice and Public Hearing, the Martha's Vineyard Commission may permit a town to adopt regulations which are less restrictive than these Guidelines if the Commission finds that such regulations will carry out the purposes of the Act and intent of these Guidelines for the District.
- 5.204 These Guidelines may be amended by the Commission after notice to the towns and notice and Public Hearing in the manner required by the Act.
- 5.205 Unless otherwise stated in these Guidelines, the regulations adopted pursuant to these Guidelines in no way alter the process for referral and review of Developments of Regional Impact according to the Act and the Criteria and Standards of the Commission.

Section 5.30      Development Guidelines

- 5.31 No stone wall shall be moved, removed, or otherwise altered, except for repair, except by Special Permit
- 5.32 Any additional vehicular access to the public road must be at least 1000 feet, measured on the same side of the road from any other vehicular access, unless this rule prevents at least one access to a contiguous piece of land now in separate ownership. In the latter case, that contiguous land will be allowed a single access. No land shall in the future be divided (or sold) so as to require more points of access than permitted above.
- 5.33 Since it is the intent of the Commission to protect the diversity and the visual and historic character of the Island as seen from its major roads, towns are encouraged to propose for Commission approval additional regulations to that end, fitted to the diverse character of the roadsides. Such rules may include among other devices such rules as, varying setbacks, guides on clearing or planting, rules for signs or utilities or for the character of vehicular entries (driveways), plan review procedures for key locations, and measures to preserve important views. It is the further intent of the Commission to revise and develop flexible, Island-wide rules of this kind in the future, in accordance with the experience gained by the application of these special town regulations.

- 5.34 Development Guidelines
- 5.341 No way or road shall be constructed within the Special Ways Zone which exceeds a width of twelve (12) feet.
- 5.342 No fences, walls, or structures shall be erected, placed, or constructed within twenty (20) feet of the centerline of the Special Way.
- 5.342 No special way shall be paved with any impervious material.
- 5.35 Permitted Uses
- 5.351 Any use permitted by the applicable town zoning district, provided that the development does not result in direct vehicular access to the Special Way.
- 5.36 Uses Allowed by Special Permit
- 5.361 Any use permitted by the applicable town zoning district, which results in direct vehicular access to the Special Way.

Section 5.40 Administration

Procedures for Applying for and Issuing Special Permits

- a) Each town shall adopt regulations which assign special permit granting authority to one or more municipal boards, or as permitted by law (see MGLA, Chapter 40A) and which define information including maps, studies, and reports to be submitted with any application for a special permit.
- b) Any special permit granting authority shall consider the goals fo the Guidelines and the District's purposes and it shall grant a permit only if it finds that the proposed Development is consistent with the goals of the District.
- c) In granting a special permit, the special permit granting authority shall impose such conditions and safe-guards as it deems appropriate.
- d) The special permit granting authority shall adopt rules and regulations regarding the conduct of its business.

BY VOTE OF THE MARTHA'S VINEYARD COMMISSION  
AUGUST 26, 1976



APPENDIX B OF THE DR. FISHER RD. DISTRICT  
1"=8000'

