

# THE MARTHA'S VINEYARD COMMISSION

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## MARTHA'S VINEYARD COMMISSION Minutes of July 7, 1988

The Martha's Vineyard Commission held a continuation of a public hearing on Thursday, July 7, 1988 at 8:00 P.M. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA regarding the following Development of Regional Impact (DRI):

Applicant: Douglas & Margaret Cabral  
P.O. Box 2031  
Vineyard Haven, MA 0568

Location: Off Mass. State Highway, West Tisbury

Proposal: Subdivision of 23.85 ± acres into 2 lots  
qualifying as a DRI since the proposal is the subject  
of a previous DRI application.

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Mr. Young, Chairman of the Land Use Planning Committee, read the continuation of the public hearing notice and opened the hearing for testimony at 8:15 P.M. Mr. Young asked for the staff presentation.

Ms. Waterman, MVC Staff Planner, referring to plans and aerial photograph of the area depicted the site location and access. At the request of Commissioners she photographed the area and showed the Commissioners the video of the parcel and surrounding land. Mr. Cabral, applicant, referencing the video stated that the barns and dwelling shown on the video are the adjacent on the 21 acre parcel adjacent to the 16 acre parcel further, that there are no structures on the parcel being reviewed.

Ms. Waterman addressing Commissioner questions at the public hearing, referenced her staff notes and stated that the Land Bank does not have a management plan for this property yet and that it is the Land Bank's policy to create management plans following conveyance of property. Regarding agricultural uses she stated she has spoken to Mr. Bosted, Director of the Land Bank, and he has indicated that the definition of agriculture is site specific and to this site it means horse pasture. She stated that the definition as used by the Land Bank is the same as DEM which is low intensity use. She stated access will be from Red Hill Coat Road and there will be no parking on-site further that this property is for pedestrian and equestrian access only. Ms. Waterman noted that attached to the handout is the Land Bank Budget for this year which indicates money set aside for maintenance and land management is \$54,000.

Mr. Young asked if Commissioners had questions for Ms. Waterman.

Mr. Ewing asked if the homeowners association controlled the road and if so could they restrict the public from using this road. Ms. Waterman stated that the homeowners association owns part of the road. Mr. Cabral answered in the negative and stated following conveyance the Land Bank will be part of the road association.

Mr. Ferraguzzi asked for clarification of no build. Ms. Waterman stated that 2 buildings will be allowed on the 7.35 acre and the 16 acres lot will have no buildings.

Mr. Jason asked if there will be housing provided for animals. Mr. Ferraguzzi stated he would assume only persons with abutting property will benefit from this and asked if he were correct. Mr. Bosted stated one must ride a horse in on one of the prescriptive rights of way, he further stated that this is a well travelled trail by horseback riders.

Mrs. Sylvia, Oak Bluffs member of the Land Bank, stated looking at the aerial one can see a great deal of the parcel is forested not pastures. The Land Bank Commission wants to see walking trails, horseback trails and cross country skiing trails.

Mrs. Eber asked if the 1981 decision restricted the number of buildings on the entire parcel. Ms. Waterman stated the decision referenced the applicant's Protective Provisions. Mr. Cabral stated he as applicant placed the restrictions (which are recorded) on the land.

Mr. Young then asked Mr. Cabral if future subdivision could break off public access. Mr. Cabral answered in the negative.

Mr. Young asked Mr. Cabral if he had any testimony. Mr. Cabral stated that this subdivision will not increase the density of the entire parcel.

Mr. Young asked Mr. Bosted if he had a statement? Mr. Bosted stated he would meet with the MVC to speak about the Land Bank in general and at this time he will be glad to answer questions regarding the proposed subdivision.

Mr. Ferraguzzi asked if he was correct in assuming the Land Bank will not restrict access or use of the land. Mr. Bosted answered in the affirmative.

Mr. Ewing asked if the applicant is farming any part of this land at the present. Mr. Cabral answered in the negative and further stated the property adjacent to the land is farmed by his former wife.

Mr. Filley asked if the agricultural use of the property was a major decision in the Land Bank's decision to purchase the land. Mr. Bosted stated they would like to keep the agricultural use open further that it is the agricultural use that has kept the fabulous view all the way to the south shore.

Mr. Ferraguzzi asked who is farming it at the present. Mr. Bosted stated at the present there is approximately 5 acres of pasture which has occasional use by Joyce Cabral. Mr. Ferraguzzi asked if Ms. Cabral will be paying a fee to use this land. Mr. Bosted stated that this has not been determined. He stated that the most desirable solution would be to have a horse owner keep the pasture open rather than the Land Bank having to mow the pasture.

Mr. Young asked if a stable would be built. Mr. Cabral stated there will be no structures. Mr. Bosted stated another alternative would be to have durable cattle graze the pasture or hay the field. Mr. Bosted stated, unless the Land Bank or Towns place agricultural restrictions on land there will be no agricultural lands in 20 years and he feels this is one way of setting aside pieces of land. Further, that the wetlands and forest

portion of the parcel will not be affected one way or the other with the way the land is managed for agriculture.

There was discussion by Commissioners of the possibility of construction of a shelter or barn on the parcel and the fact that this would give the agricultural use more flexibility. Mr. Bosted indicated that this may be applicable.

Joyce Cabral stated that the proposal was created for preservation of agriculture and that she feels by allowing a structure on this parcel the MVC is getting off the intent of the original idea of keeping the property open space. She further stated this would change the whole character of the area, would be an impact on neighbors as farming vehicles would be needed to maintain, and would spoil the vista.

Mr. Cabral stated that the covenant stated no dwelling.

Mrs. Eber asked how much of this parcel is suitable for farming. Mr. Bosted stated approximately 5 acres.

Mr. Jason asked if this land is being purchased primarily for agriculture or for the trail system.

Mr. Evans questioned the agricultural potential of this parcel and the need for creating a structure on the parcel. He then stated that he does not feel a structure would be feasible.

Deborah Yennie, West Tisbury Member to the Land Bank, stated she would try and clear up the Land Bank's intent in purchasing properties. Two of the purposes behind the MV Land Bank Commission is to preserve land for aquifer protection and to create trail networks. She elaborated on each of these purposes. Further she stated that another consideration is that the scenic vista is very important to this land. She stated that a building/structure would not be appropriate at this site.

Peter Anderson, resident of area, stated he as a neighbor allows people to walk his property and also is in favor of this proposal.

Doug Cabral, Applicant, stated that the boundary of this property in along the Longview Subdivision and this property will provide open space to an area which in the future will be densely developed.

Mary Ruth Parris, resident of area, stated she was in favor of the proposal for walking and horseback riding trails.

There being no further testimony Mr. Young stated that one piece of correspondence has been received for the record by Richard and Mary Ruth Parris written to the West Tisbury Planning Board. He read it in its entirety and summarized it stated they are in favor of the proposal.

There being no further testimony the public hearing was closed at 9:00 P.M.

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Following the public hearing Mr. Early, Chairman of the Commission, opened the special meeting of the Commission at 9:00 P.M.

Item #1 - Chairman's Report - There was none.

Item #2 - Old Business - There was none

Item #3 - Minutes of June 30, 1988

Motion to approve as prepared. Seconded. The motion carried with 3 abstentions (Lee, West, Young).

Item #4 - Discussion

Cabral DRI:

Mr. Morgan feels that too much time has already been taken on this subdivision and further if the Land Bank in the future wants to modify its plan it can come back to the MVC as other applicants have.

Mr. Ferraguzzi stated the reason he brought up the issue of a structure on the lot is that if the purpose of purchasing this lot is for agricultural purposes and public money is being spent he wants to make sure it is not being spent for the sole purpose of abutters.

Mr. West stated that he would be intimidated walking around a field with horses and cows and stated he does not feel any further discussion is needed.

Mr. Widdiss agreed that no further discussion was necessary.

There being no further discussion Mr. Early moved to the following item.

Item #5 - Possible Vote

Cabral DRI

Motion to direct the executive director to draft a written decision approving the Cabral DRI proposal as presented. Seconded.

On a role call vote the motion carried with a vote of 11 in favor, 0 opposed and 3 abstentions (Lee, West, Young). Harney and Geller voted in favor.

MSPCA - Written Decision

Motion to approve as prepared. Seconded. On a role call vote, the motion carried with 12 in favor, 0 opposed and 2 abstention (Lynch, Lee).

Item #6 - New Business & Correspondence

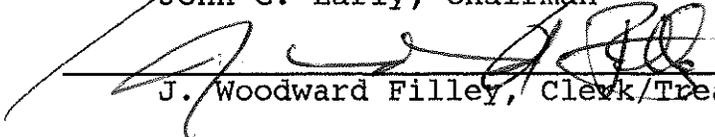
Item #7 - Working Session between the Commissioners and Staff

Following the vote Mr. Early stated that he would recess the meeting to prepare for the working session.

Notes regarding the working session are attached.

ATTEST

  
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John G. Early, Chairman

  
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J. Woodward Filley, Clerk/Treasurer

7/14/88  
Date

7/14/88  
Date

Attendance:

Present: Jason, Lynch, Widdiss, Filley, West, Young, Eber, Ferraguzzi,  
Evans, Scott, Early, Custer\*, Ewing, Lee, Morgan, Geller, Harney

Absent: Wey, Delaney, McCavitt, Allen, Harris

\* - Custer present for last agend item