



**DCPC NOMINATION
IN THE TOWN OF WEST TISBURY
ISLAND ROAD DISTRICT SPECIAL WAYS ZONE**

(For MVC to accept for consideration or not to accept the nomination for consideration)

January 22, 2015

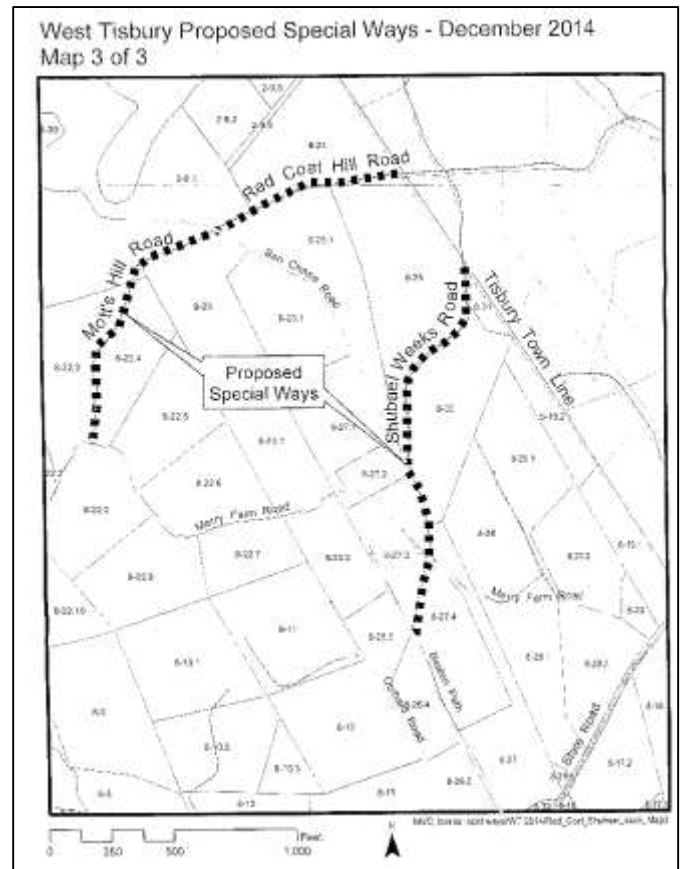
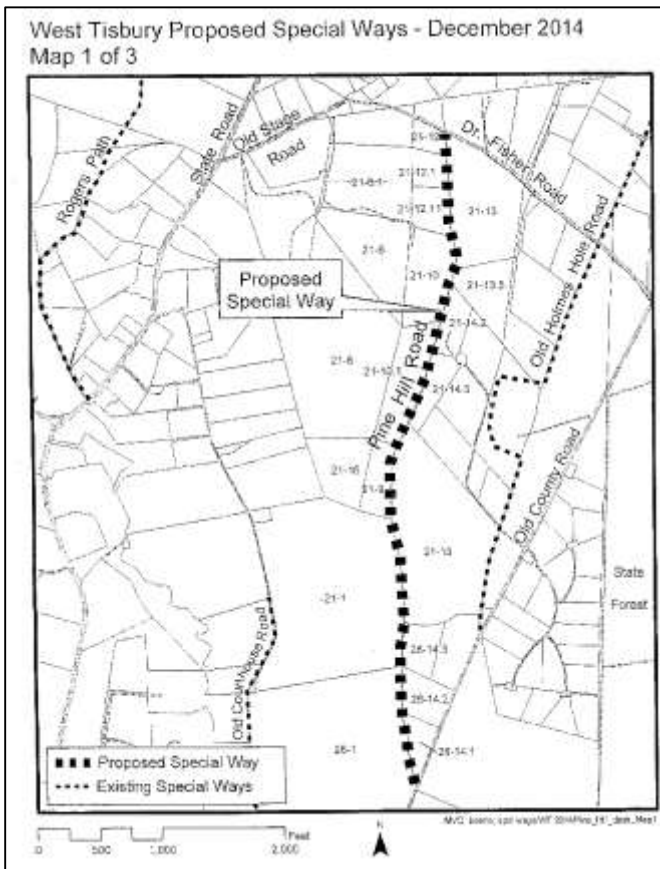
Staff notes (Jo-Ann Taylor, DCPC Coordinator)

Area proposed to be considered for designation:

Within twenty feet of either side of the centerline of **Pine Hill Road**: Beginning at Old County Road at the southern point of Assessors Map 26, Lot 14.1, opposite the Sheriff's Meadow parking lot at Nat's Farm, proceeding northerly along the west boundary of said lot and continuing northerly until the northwest point of Assessors map 21, Lot 13 where it intersects Doctor Fisher Road.

Within twenty feet of either side of the centerline of **Red Coat Hill Road/Motts Hill Road** – Beginning at the Tisbury town line on the south side of the easternmost point of Assessors Map 8, Lot 24 and continuing westerly and becoming Motts Hill Road at the intersection with Ben Chase Road and proceeding under the name Motts Hill Road southwesterly to its intersection with Merry Farm Road between Assessors Map 8, Lots 22.3 and 22.4

Within twenty feet of the either side of the center line of **Shubael Weeks Road** – Beginning at the Tisbury town line at the northernmost point of Assessors Map 8, Lot 31 and proceeding southerly to its intersection with Ben Chase Road at the southern point of Assessors Map 8, Lot 25 and continuing southerly crossing Merry Farm Road and intersecting Beaten Path near the northernmost point of Assessors Map 8, Lot 26.4



The above illustrations have been prepared and included for convenience. They appear page-size in the nomination (where individual lot numbers may be more easily read).

Nomination: The nomination was received from the West Tisbury Planning Board on January 3. Some highlights of the nomination follow:

These are visible remnants of the Island's history prior to the advent of motor vehicles. The narrow ways are often marked by depressions – even surrounding flat land – from many decades of use. The names of some of the ways are reminders of places, persons or even events of the past. The Town of West Tisbury needs to protect these ancient paths and byways for foot and hoof passage from one part of town to another and from one town to another. All four of these roads appear in maps from the 1800's.

Pine Hill Road was a major route from the road presently known as Old County Road, near the West Tisbury Center, across Doctor Fisher Road to Lambert's Cove Road. The Island Farm subdivision and other developments built atop much of the section north of the intersection with Doctor Fisher Road has left few traces of the old way and is not included in the nomination...The section south of Doctor Fisher Road does not bisect any parcels, has very little traffic; although there has been increased development in the vicinity of the Doctor Fisher Road intersection. Seven existing residences are strung out along 2,950' of Pine Hill Road and virtually no through traffic out to Old County Road; the way is enjoyed by neighbors and others on foot, bike and horse, safely connecting people from the State Forest and other conservation lands and byways.

Red Coat Hill Road/Motts Hill Road are part of an old cart path and trail system in between State Road (Vineyard Haven/West Tisbury Road) and Lambert's Cove Road. In the 1700's and 1800's, when the Island consisted mainly of farmland, Vineyard Haven Harbor could be seen easily from the highest point on Red Coat Hill. This lookout was used during the Revolutionary War to oversee the harbor. On September 10, 1778, a British force of Red Coats led by General Grey seized this high ground during a four-day invasion, leaving a red coat on a nearby hill. They are important connector to Land Bank and Nature Conservancy trails, and conservation areas in West Tisbury and Vineyard Haven, including Duart's Pond.

Shubael Weeks Road extended from road intersections at State Road to cranberry bogs in Tisbury along Lambert's Cove Road. Shubael Weeks lived in the 18th and early 19th centuries. Shubael Weeks was a Tisbury Selectman at the time of the British Grey's Raid in 1778. Development has occurred atop the portion near State Road. The (nominated) section includes segments at each end not used by vehicles.

...Two of these ways extend into Tisbury and all intersect with other old ways that are only lightly travelled by vehicles, if at all, and provide safe routes for walkers, bicyclists and horseback riders to connect with other trails and other towns.

Each of the nominated ways shows examples of how uncontrolled or inappropriate development can alter the character or even eliminate evidence of the route. With increased vehicle use, the surfaces of these pre-automobile paths get widened, graded and stabilized with hardening materials to the extent

they become just another very serviceable dirt road. Additional blockage of portions of these ways would further compromise the free flow of foot and hoof passage on these ways. Their loss would be irreplaceable. A concern of Pine Hill Road abutters is that the currently undeveloped middle section of the road not be improved in a way that would promote through traffic between Old County Road and Doctor Fisher Road.

Advantageous development would be that which, through careful locations of driveways and the use of alternative vehicle access points when available, maintains the character of the ways and their immediate surroundings by minimizing additional vehicular use of the ways, retains natural vegetation alongside the ways, and would prevent the ways being blocked.

(See full text of nomination attached.)

MVC response to nomination: The MVC has been asked by the West Tisbury Planning Board to **ACCEPT THE NOMINATION FOR CONSIDERATION**. This is not the designation vote. Should the MVC vote **to accept the nomination for consideration**, the MVC would **then** schedule a Public Hearing and subsequently vote to make or not to make the designation. The vote **to accept the nomination for consideration** commits the MVC to hearing and making a decision on designation, and institutes a development moratorium.

Should the MVC vote **to accept the nomination for consideration for designation**, such vote would initiate a development moratorium in the area that would then be *under consideration for designation* (exemptions may be granted under certain circumstances).

Timeline: This nomination is for new ways to be included in the Island Road District Special Ways Zone. Even though there is already an Island Road District and a Special Ways Zone, the geographic area included in the nomination is newly proposed and the consideration is made in the same manner as a brand new nomination. MVC has 45 days from January 3 (Feb. 17) to vote on consideration. An affirmative vote would begin a moratorium and commit the MVC to hold a public hearing and vote on designation within 60 days from the consideration vote. If MVC accepts the nomination on January 22, a public hearing could be held as soon as the February 19 meeting and no later than March 23. It is the intention of the Planning Board to present an article for vote at the April 14 Annual Town Meeting.

Goals of the Island Road District Special Ways Zone:

The Goals for the Special Ways are: To protect the existing character of Special Ways for all of the reasons set forth in Section 4.12 (Cultural and Historic District: Special Ways) and to retain the view of landscapes abutting these ways by preventing the injurious effects that accompany development of the way as a primary vehicular route. Therefore, new vehicular access should be on new rights-of-way, thus preserving the Special Ways for alternative forms of transportation.

Criteria for designation: In making determination on designation, the MVC is guided by the Critical Planning District Qualifications (full text attached). The Qualifications are based very closely on the original text in Chapter 831 of the Acts of 1977 as amended (the Act), and have guided DCPC designation since the 1970's. The Qualifications set out criteria for designation; including the need for designation, the size and shape of the District, and Specific Qualifications for the various types of district. The Special Ways Zone of the Island Road District falls into the category Cultural or Historic Resource District.

Analysis:

The nomination appears to present compelling statements regarding the need for and suitability of consideration for designation. An affirmative vote should include reasons for accepting the nomination, such as:

The nomination notes that Pine Hill Road was a major route from the present Old County Road across Dr. Fisher Road to Lambert's Cove Road. Red Coat Hill Road is named for its part in Grey's Raid in 1778, when "...a British force of red coats led by General Grey seized this high ground during a four-day invasion, leaving a red coat on a nearby hill..." This way is also seen as an important connector to Land Bank and Nature Conservancy trails. Shubael Weeks Road was named for a Tisbury Selectman from the time of Grey's Raid.

The nomination notes that these ways are visible remnants of Island history and are vulnerable to the impacts of unregulated development that could alter their character to that of any ordinary road.

No correspondence as of January 21, 2015.

CRITICAL PLANNING DISTRICT QUALIFICATIONS

GENERAL QUALIFICATIONS FOR ALL DISTRICTS

NEED FOR DESIGNATION

There must be a regional need for special regulations or planning to protect the district from damage or losses by inappropriate development. The Commission shall find:

- that present public or 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.

SIZE AND SHAPE OF DISTRICT

The district shall consist of the land and water which reasonably belong in the district for the three following reasons:

- It is the critical area or critical resource which is in need of protection.
- It is the logical planning area which should be considered in adopting a coordinated system of regulations to protect the critical resource or critical area.
- The dimensions or landmarks which form the boundary of the district are convenient and recognizable.

SPECIFIC QUALIFICATIONS

DRINKING WATER RESOURCE DISTRICT

The district is important to the protection of a regional aquifer, watershed, aquifer recharge zone or surface water supply with the following considerations:

- Development or waste disposal without special regulations in the district could endanger the quality or quantity of the water.
- Studies or expert advice indicate that the designation and regulation of the district could be effective in protecting the quality or quantity of water, and that, since public health, safety and welfare are paramount, special precaution should be taken.

FISHING RESOURCE DISTRICT

The water body in the district is particularly well suited for the production of shell or fin fish or can be made productive through good management and improvements.

FARMING RESOURCE DISTRICT

The district includes areas particularly suited now and in the future for sustaining or augmenting the Island's food supply or other agriculture. The district must have one or more of the following characteristics:

- The district is generally being farmed or can be converted to farming conveniently relative to other areas on the Island.
- Land ownerships within the district are generally of adequate size to support farming. Soil, climate and topography are well suited for farming.

WILDLIFE, NATURAL, SCIENTIFIC OR ECOLOGICAL RESOURCE DISTRICT

The district contains an important and identifiable wildlife, natural, scientific or ecological resource. This would include but not be limited to special plant and animal life and their habitats, as well as unusual geological features, and is critical because development may disrupt the ecological balance.

CULTURAL OR HISTORIC RESOURCE DISTRICT

The district contains a place, landscape, way or view which is in some special way expressive of the character of the Island, traditions of the Island residents, and of special interest to Island visitors. The maintenance and protection of those values is essential to a sound local economy. The district also:

- is of exceptional symbolic or recreational importance to the residents of more than one town and is either visible or accessible to them or can reasonably be made so; or
- is rare, unique, or makes an unusual contribution to the diversity of the Island character; or
- is irreplaceable, or replaceable only with extraordinary effort or expense.

Subject to the above general tests, designations may be considered for areas which are important for their connection with the history of the region-including its geological history or the history of its Indian settlement-or which symbolize and support the traditional activities and ways of Island life, or which give us a particular understanding of the Vineyard lands and their setting in the sea. These include places which present opportunities for hunting and fishing and the enjoyment of wildlife.

ECONOMIC OR DEVELOPMENT RESOURCE DISTRICT

The district will include areas which have special potential for providing employment or housing for Island residents, or for accepting necessary development which might be detrimental in other locations. The district must also:

- require special regulations to create, preserve or enhance that potential, and
- be better suited or more readily available for the facility or development than other areas of the Island, considering topography, utilities, costs and environmental and social impact; and
- have adequate access, preferably from a regional feeder road.

MAJOR PUBLIC INVESTMENT DISTRICT

The district will include areas which have a significant impact on an existing or possible future major public investment or areas which are significantly affected by such an investment. In addition, the district must qualify as follows:

- The district pertains to a major public investment as defined in Chapter 831 as amended¹, and may include airports, highways, schools, parks, beaches, preserves, public utilities and medical facilities owned or operated by a Federal, state or county agency, or by a quasi-public or charitable non-profit agency; and
- the intended use or operation of the public investment or the health, safety and welfare of the public could be impaired by improper development in the district.

HAZARDOUS DISTRICT

It is an area which possesses hazards due to marginal soil or topographic conditions which render it unsuitable for intense development. Factors to be considered include: Flooding, waste treatment, groundwater, erosion, construction problems, salt water intrusion and pollution.

¹A major public facility is any publicly owned facility of regional importance except:

(1) any public facility operated by a municipality primarily for the benefit of the residents of that municipality, or by any agency serving primarily the residents of one municipality;

(2) any street or highway which is not recognized as or maintained as a part of the state or federal highway system; or

(3) any educational institution serving primarily the residents of one municipality."