



**DCPC NOMINATION for MANTER'S PATH
IN THE TOWN OF WEST TISBURY
ISLAND ROAD DISTRICT SPECIAL WAYS ZONE**

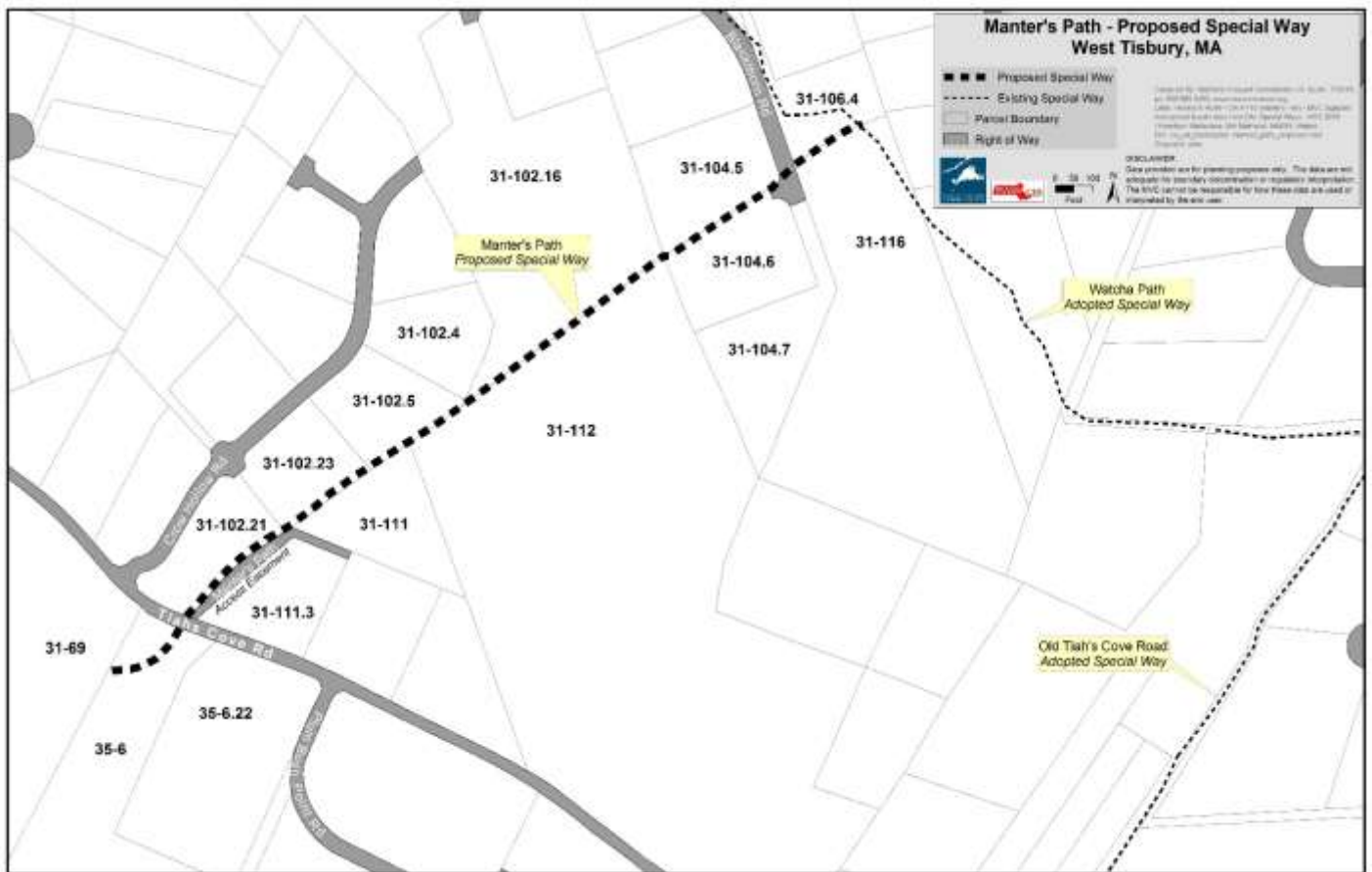
(For MVC to accept for consideration or not to accept the nomination for consideration)

January 5, 2017

Staff notes (Jo-Ann Taylor, DCPC Coordinator)

Area proposed to be considered for designation:

Within twenty feet of either side of the centerline of **Manter's Path**: As shown on Assessors' Map 31: from the juncture of lots 6 and 69 at a point approximately 200 feet from the centerline of Tiahs Cove Road; across Tiahs Cove Road to the juncture of lots 102.21 and 111.3; in a generally northeasterly direction along the property boundaries; across Blackthorn Road; approximately 200 feet along the boundary of lots 106.4 and 116 to meet the Special Way know as Scrubby Neck Road and Watcha Path.



Nomination: The nomination was received from the West Tisbury Planning Board on December 13, 2015. Some highlights of the nomination follow:

Large farm parcels made up the landscape of early West Tisbury. Various ways connected these farms, allowing movement of wagons, animals and foot traffic. Manter's Path was known as the Way to Jericho. Jericho was the name used since the 1600's for a large tract of farmland and woodland extending from the southern part of what is now the State Forest south to the eastern end of Tiah's Cove Road "Nancy Luce's House". Manter's Path is a vestige of the travel network used by Martha's Vineyard ancestors and reminds us of the way they lived back then. This unimproved, narrow, shady footpath races its recorded use back to the 1800's when several Manter families used it for passage

to and from each other's farms....The depressions in the path clearly point to the continual use of this path since ancient times. Replication of these impressions, if they were to be damaged, would be all but impossible; erasing the visual memory of historic use.....Protection of this path aids in protecting the rural traditions of the Vineyard that are critically tied to our Island values. Protection and maintenance of this path stems the rising tide of suburbanization.

(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 a new way 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 December 13 (January 27) 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 5, a public hearing could be held as soon as the February 2 meeting and no later than February 27. It is the intention of the Planning Board to present an article for vote at the April 11 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 Manter's Path remains as a reminder of the agricultural roots of West Tisbury and the rural traditions of the Vineyard that are closely linked with the cultural identity that is in need of protection from suburbanization.

No correspondence as of December 30, 2015.

Attachments:

Critical Planning District Qualifications

Full text of nomination

References: Chapter 831 of the Acts of 1977, as amended, *Decision of the Martha's Vineyard Commission Designating the Island Road District as a District of Critical Planning Concern*

Interactive map presentation for browsing

<http://dukescountygis.maps.arcgis.com/apps/presentation/index.html?webmap=6e346f857c104314b57d2a69f088ffcc&slide=1>

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

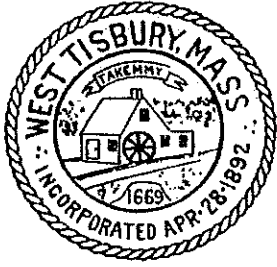
It is an area which possesses hazards due to marginal soil or topographic conditions which render it unsuitable for intense development. Factors to be considered include: Flooding, waste treatment, groundwater, erosion, construction problems, salt water intrusion and pollution.

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

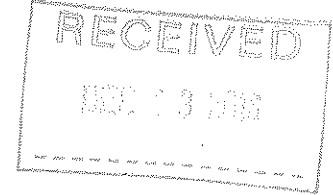
(1) any public facility operated by a municipality primarily for the benefit of the residents of that municipality, or by any agency serving primarily the residents of one municipality;

(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."



Town of West Tisbury
PLANNING BOARD
P. O. Box 278
West Tisbury, MA 02575-0278
508-696-0149
planningboard@westtisbury-ma.gov



December 8, 2016

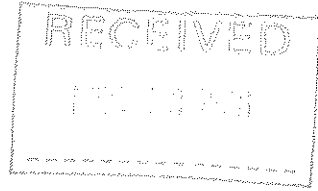
Martha's Vineyard Commission
DCPC
P.O. Box 1447
Oak Bluffs, MA 02557

Dear Jo Ann:

At our meeting of December 5, 2016, the board voted unanimously to sign the required nomination papers enclosed hereto. The Planning Board, at the recommendation of the Byways Committee, requests the nomination of Manter's Path as becoming a special way, to be vote on at Town Meeting in the spring of 2017.

Best regards,

Jane Rossi, Planning Board Administrator



District Nomination

NOMINATION INFORMATION

NAME AND ADDRESS of the nominating board (Board of Selectmen, Planning Board, Conservation Commission, Board of Health, Martha's Vineyard Commission) or a signatory of the taxpayers' petition. All correspondence will be directed to the sponsor whose name and address appears here:

Name: West Tisbury Planning Board
Address: P. O. Box 278, West Tisbury, MA 02575
Phone: 508-696-0149
Fax: 508-696-0103
e-mail: planningboard@westtisbury-ma.gov

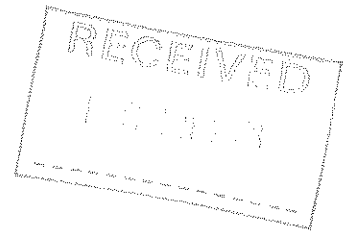
NAME AND LOCATION (TOWN OR TOWNS) OF PROPOSED DISTRICT:

Town of West Tisbury, Rural District

AREA PROPOSED FOR DESIGNATION:

Describe the location of the proposed district, referencing any distinguishable landmarks, structures, roads, assessors' map and parcel numbers, etc. which may act as boundary limits. If appropriate, give measurements in feet. Attach a locus map with proposed boundaries shown on an appropriate base, such as the town assessors' maps or a section of the most recent U.S.G.S. 1:25,000-scale topographic map. The proposed boundaries should be delineated as accurately as possible, both on the attached locus maps and in the narrative.

Manter's Path originally went from the Road to Great Neck across Tiah's Cove Road to Scrubby Neck Road. At present, from Tiah's Cove Road to the northeast, the dirt path first served three homes on the southeast side. Continuing on, it is a simple path through the woods, coming close to the field currently owned by Sheriff's Meadow Foundation. Further on to the northeast, Manter's Path, overgrown, extends straight through the woods to Scrubby Neck Road. As shown on Assessors' Map 31: from the juncture of lots 6 and 69 at a point approximately 200 feet from the centerline of Tiahs Cove Road; across Tiahs Cove Road to the juncture of lots 102.21 and 111.3; in a generally northeasterly direction along the property boundaries; across Blackthorn Road; approximately 200 feet along the boundary of lots 106.4 and 116 to meet the Special Way know as Scrubby Neck Road and Watcha Path.



DCPC NOMINATION

Instructions

Please review Appendix "Critical Planning District Qualifications" prior to completion of the nomination. Only nominations in accordance with the "Critical Planning District Qualifications" will be considered.

Sponsors are encouraged to contact the Commission's DCPC Coordinator (Jo-Ann Taylor, 505-693-3453, Extension 19, taylor@mvcommission.org) prior to completing and submitting the nomination.

Please answer all questions as completely and concisely as possible, using additional sheets as necessary.

Include a locus map with proposed boundaries shown on an appropriate base, such as the town assessors' maps or a section of the most recent U.S.G.S. 1:25,000-scale topographic map.

If the sponsor is a town board or the Commission, include signature below and a copy of the vote.

If a taxpayer petition is included, include tax collector(s) verification for 75 signatures.

Submit the signed nomination, in person or by certified mail, to Martha's Vineyard Commission, Olde Stone Building, New York Avenue, P.O. Box 1447, Oak Bluffs, MA 02557.

SIGNATURES: If the sponsor is a town Board of Selectmen, Planning Board, Conservation Commission or Board of Health, or the Martha's Vineyard Commission, the appropriate officer of such board shall sign his or her name below. Attach a copy of the vote.

<u>Virginia Jones</u> Name	<u>Chairman</u> Title	<u>12.5.2016</u> Date
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IF THE NOMINATION IS BY PETITION, SEE ACCOMPANYING PETITION SIGNATURE PAGE.

District Nomination

C. Referring to the **GENERAL QUALIFICATIONS** (See Appendix "Critical Planning District Qualifications"), please answer as simply as possible the following: (Use additional sheets as necessary)

1. Why is this resource or area important to more than one town or to the Island as a whole?
2. What are the problems associated with the uncontrolled or inappropriate development of the area?
3. What kind of development would be advantageous within the proposed district?

1. Large farm parcels made up the landscape of early West Tisbury. Various ways connected these farms, allowing movement of wagons, animals and foot traffic. Manter's Path was known as the Way to Jericho. Jericho was the name used since the 1600's for a large tract of farmland and woodland extending from the southern part of what is now the State Forest south to the eastern end of Tiah's Cove Road "Nancy Luce's House". Manter's Path is a vestige of the travel network used by Martha's Vineyard ancestor's and reminds us of the way they lived back then. This unimproved, narrow, shady footpath traces its recorded use back to the 1800's when several Manter families used it for passage to and from each other's farms. Manter's Path is still used as access to the farmland referred to as Jericho, a portion of which is now owned by Sheriff's Meadow. Neighbors are fond of the path and use it frequently for walking, walking their canine pets, for horseback riding and bird watching.

2. The depressions in the path clearly point to the continual use of this path since ancient times. Replication of these impressions, if they were to be damaged, would be all but impossible; erasing the visual memory of historic use.

In addition, the old growth trees that shade this path would be hard to replace any time soon if they were removed. Protection of this path aids in protecting the rural traditions of the Vineyard that are critically tied to our island values. Protection and maintenance of this path stems the rising tide suburbanization.

3. This path should continue to present safe routes for walkers, bicyclists and horseback riders. The only appropriate development of this path would be for it to be protected in perpetuity, as a Special Way or to be put into conservation through some other means.

NEED FOR DESIGNATION

Please review Appendix "Critical Planning District Qualifications" before continuing. The Martha's Vineyard Commission will only consider proposals warranting designation in accordance with the "Qualifications".

A. Indicate the type of district that is proposed (See Appendix "Critical Planning District Qualifications"): Nominations may include more than one category:

- 1. Drinking Water Resource District
- 2. Fishing Resource District
- 3. Farming Resource District
- 4. ~~Wildlife, Natural, Scientific or Ecological Resource District~~
- 5. Cultural or Historic Resource District
- 6. Economic or Development Resource District
- 7. Major Public Investment District
- 8. Hazardous District

B. Referring to the **SPECIFIC QUALIFICATIONS** (See Appendix "Critical Planning District Qualifications"), explain why you feel that this area would warrant designation. Use additional sheets as necessary.

This path helps to maintain the rural tradition of the Vineyard that is tied to our island values. Protection and maintenance of this path stems the rising tide of suburbanization, keeping our town rural with strong ties to its agricultural past. We feel it should remain part of our rural inventory.

Manter's Path - Proposed Special Way West Tisbury, MA

Compiled by: Manter's Vineyard Commission, Ct. Solid, 7/20/16.
 ph: 508-893-3453, www.mvcommission.org
 Data: Parcel & ROW - CAI FY16/Manter's Path - NYC digitized
 from parcel & path data from CAI; Special Ways - MVC 2019
 Projection: StatePlane, MA Mainland, NAD83, Meters
 File: c:_vtd_masters\manter_path_proposed.mxd
 Original in color

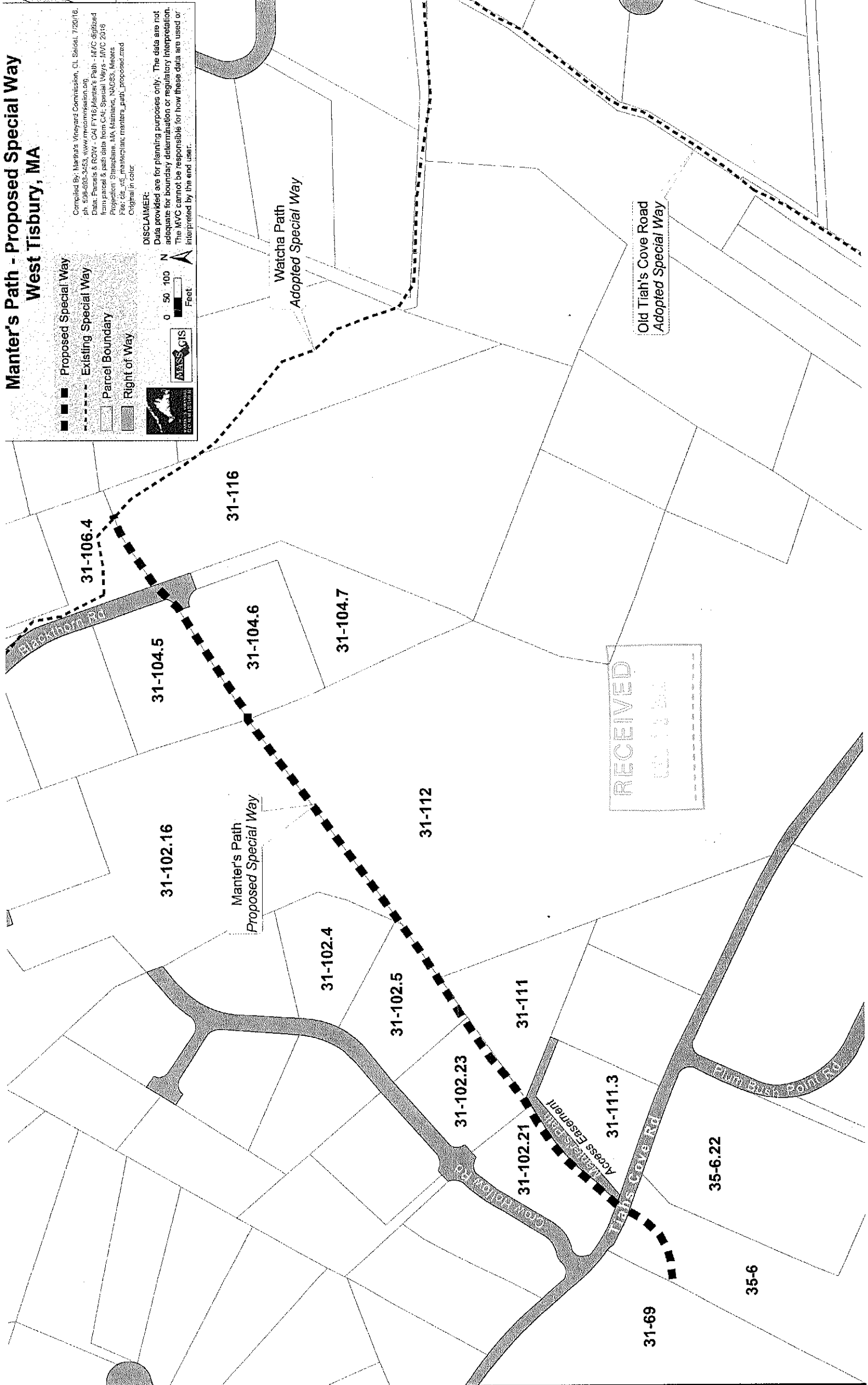
DISCLAIMER:

Data provided are for planning purposes only. The data are not
 adequate for boundary determination or regulatory interpretation.
 The MVC cannot be responsible for how these data are used or
 interpreted by the end user.

- Proposed Special Way
- Existing Special Way
- ▭ Parcel Boundary
- ▭ Right of Way

0 50 100 Feet

MASS GIS



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