



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

(For MVC to accept for consideration or to reject the nomination)

For November 21, 2019

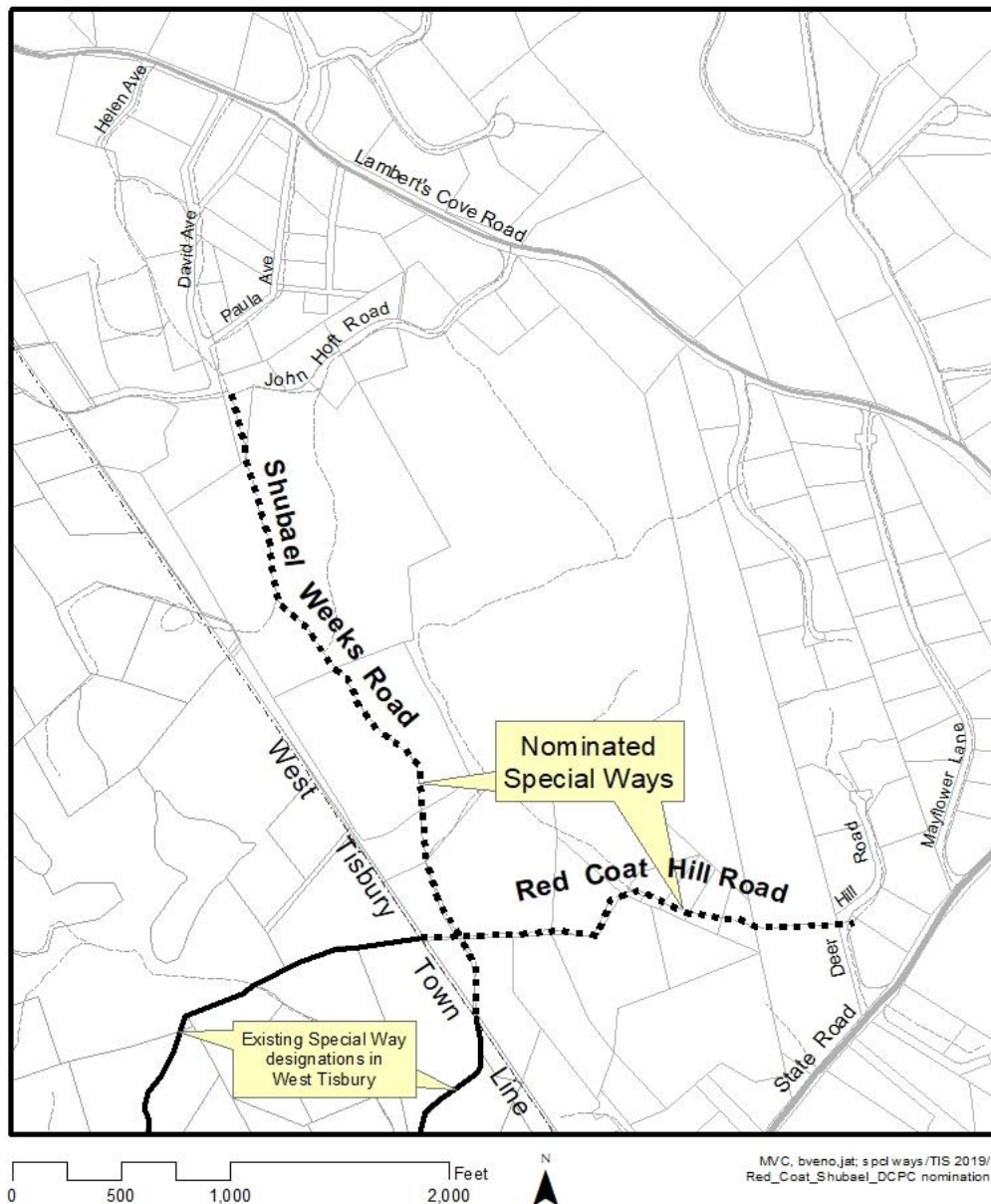
Staff notes (Jo-Ann Taylor, DCPC Coordinator)

Area proposed to be considered for designation:

Within twenty feet of either side of the centerline of **Red Coat Hill Road** – from the West Tisbury town line easterly to its juncture with Deer Hill Road

Within twenty feet of the either side of the centerline of **Shubael Weeks Road** – from the West Tisbury town line northerly to its juncture with John Hoft Road

Tisbury Nomination of Special Ways - November 2019



The above illustration has been prepared and included for convenience.

Nomination: The nomination was received from the Tisbury Planning Board on November 7. Some highlights of the nomination follow:

This nomination is to protect some of the last visible remains of early foot and hoof passage in Tisbury. Generations have traversed these paths/trails long before the advent and introduction of the automobile and continue to this day. The narrow configurations are marked by depressions, even though surrounded by flat land, demonstrating centuries of use. The names are reminders of the past usage or person to whom it was named for. These sections appear on road maps from the 1800's. The Town of Tisbury should protect these island treasures, from one town, West Tisbury, and continuing through Tisbury, for future generations to enjoy.

Red Coat Hill Road is part of an old cart path established between State Road and Lambert's Cove Road. In the 1700 and 1800's, when the island's economic production was primarily farming and fishing, one could see the harbor from the highest point on Red Coat Hill. The lookout was used during the Revolutionary to surveil the harbor. On September 10, 1778¹, 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.

Shubael Weeks Road extends from the West Tisbury Line and crosses Red Coat Trail in Tisbury continuing to Cranberry Bogs along Lambert's Cove Road. Mr. Shubael Weeks lived in the late 18th and early 19th centuries. He was a Tisbury Selectman at the time of the British Raid in 1778.

Both paths/trails are important connections and connectors to Land Bank and Nature Conservancy trails and conservation areas in Vineyard Haven, including Duarte's Pond and to West Tisbury.

Countless families have crossed these routes over time. They represent a unique and irreplaceable asset mostly untouched by time. Alongside the paths are parts of the great Pitch Pine forests on the island. Many are specimen trees and ancient. They contribute to the beauty of the place and create the needed environment for the propagation of nature, plant and animal.

Prior to the introduction of the automobile, these paths/trails are a modern day reminder of the ancient travel ways. Distance to town was measure in hours not minutes. Both place names are significant because of an action that took place, Red Coat raid, or a person, Mr. Weeks, a Tisbury selectman. Today, the routes are used by pedestrians, bicyclists and horseback riders as a safe means of traversing the town. The unbroken beauty of the path is peaceful and lets one think back to less hurried times. Both locations connect to West Tisbury which has protected them as Special Ways.

*Pitch Pines, scrub oaks, and conifers are the dominant tree species stretching all along the ways. Pitch pines, or *Pinus rigida* extend from the mountains of Northern Georgia to Southern Maine. Like a hearty New Englander, the pine has adapted to island life. They grow in sandy soils. They have strong stout limbs. The seeds germinate anywhere there is sun and bare soil. If killed, new trees sprout from the stump. In days past, the trees were utilized to produce pitch, turpentine, rosin, and tar. Pitch² was used to caulk and seal the boards on wooden sailing vessels. Tar² was used to grease wagon axels and to preserve the fibers of ropes used in rigging. The nominated ways show examples of uncontrolled or inappropriate development and how that can alter the character or even eliminate evidence of the route. With increased vehicle usage, the surfaces of these pre-*

¹ Martha's Vineyard by Henry Franklin Norton, copyright 1923

² June 2015 article for Northern Woodlands magazine, ["Yankee Tarheels: Remembering the Pitch Pine Industry of Colonial America"](#)

automobile paths get widened, graded, and stabilized with hardening materials to the extent they become just another serviceable dirt road. Additional blockage, of portions of these ways, would further compromise the free flow of foot and hoof passage. Their loss would be irreplaceable.

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. Both locations tend to be lightly traveled by vehicles, but both are routinely accessed by pedestrians, cyclists, and horseback riders.

Special Way nomination is not intended to confer or require any public right of access

(See full text of nomination)

MVC response to nomination: The MVC has been asked by the 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. The vote includes reasons to accept or to reject the nomination.

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

Timeline: This nomination is for 2 ways to be included in a new Special Ways Zone in the Island Road District. An affirmative vote would begin a moratorium and commit the MVC to hold a public hearing and vote on designation. If MVC accepts the nomination on November 21, a public hearing could be held as soon as the December 19 meeting and no later than January 20.

Goals of the Island Road District Special Ways Zone:

To protect historic places 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 Red Coat Hill Road is named for its part in Grey's Raid in 1778. Shubael Weeks Road was named for a Tisbury Selectman from the time of Grey's Raid.

Both ways are already protected in West Tisbury, up to the town line.

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 November 13, 2019.

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 amended³, 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.

³A 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."