

# 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](mailto: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.

Jo-Ann Taylor                      CHAIR                      2/4/09  
Name                                      Title                                      Date

IF THE NOMINATION IS BY PETITION, SEE ACCOMPANYING PETITION SIGNATURE PAGE.

# TAXPAYER PETITION

**PROPOSED DISTRICT NAME:**

**PROPOSED LOCATION:**

Any 75 (seventy-five) Island taxpayers nominating a proposed District of Critical Planning Concern should print and sign their names, street addresses and principal Island town in which taxes are paid. All taxpayers signing this petition must be certified by the Tax Collector(s) **before** the nomination is submitted.

Name	Signature	Street Address	Town	Tax Collector's Certification
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N/A

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# 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: Edgartown Planning Board  
Address: Town Hall, 70 Main Street, P.O. Box 1065, Edgartown, MA 02539  
Phone: (508) 627-6170  
Fax: (508) 627-6123  
e-mail: [ggreenough@edgartown-ma.us](mailto:ggreenough@edgartown-ma.us)

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

Edgartown, Massachusetts

## 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.

Within twenty feet of the center line of Dunham's Path (a.k.a. Dunham's Field Path, a.k.a. Daniel's Path). Begins at the southern side of Llewellyn Way adjacent to the Town-owned Edgartown Assessors' Map 28 Lot 54 running southeast to its intersection with Meshacket Road between Edgartown Assessors' Map 28 Lot 16 and Lot 23 (2008).

Within twenty feet of the center line of Quenomica Road. Begins at the northeast side of Meetinghouse Road at the westernmost point of Edgartown Assessor Map 28, Lot 251 and running northeasterly to the west side of Meshacket Road, bisecting Edgartown Assessors' Map 28 Lot 224 (2008). A portion being a **Special Vehicular Way** located from Meshacket Road to a section called Five Corners.

Within twenty feet of the center line of Swimming Place Path. Begins at the southern side of the intersection with Meshacket Road and running southeasterly along the southwestern boundary of Edgartown Assessors' Map 28 Lot 225 and continuing southeasterly to the southernmost point of Edgartown Assessors' Map 28 Lot 30. (2008).

# 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.

In addition to being visual reminders of how previous generations of Vineyarders have gotten around the Island and which places were significant to connect, today these old cart paths, or ancient ways, are highly valued parts of the community's recreational infrastructure. They provide residents with paths to enjoy the outdoors, promoting exercise and good health. The interconnection of these paths with each other or other paths enables people to visit not only nearby neighborhoods, but embark on longer excursions into other towns without using automobiles. The three ancient ways in this nomination represent the diversity of old ways in Edgartown. Swimming Place Path was first mentioned in 1675 (Banks; Vol II, p. 182). Banks makes no mention of Quenomica Road which leads to great pond fishing areas and thought likely to be of pre-European times. Town meeting accepted Dunham's (a.k.a. Daniels) Path as a town road It was "voted to reconsider the vote passed at the Annual Town Meeting (April 14, 1847) whereby the Town accepted the laying out and widening a road called 'Simon's Path'. This way is incorrectly styled 'Simon's Path'; it's correct name is 'Daniel's Path'. Edgartown Records; Vol. 3, p. 244, May 5, 1847, as found in the Report of the Highways Committee at Edgartown Records; Vol 5, p. 1. A small number of motor vehicles commonly travel much of Quenomica Road, whereas some of the other proposed ways appear not to have been used even as footpaths for many decades. Indeed, some portions of these ways have been developed or otherwise closed off, and are not included within this nomination for designation. Other segments, although perhaps overgrown, may be reclaimed to add the local sense of history and access to the broadening trails network.

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. Why is this resource or area important to more than one town or to the Island as a whole?***

These old cart paths are artifacts from the Island's past. While the recorded historical references of these ancient ways apply to the European settlement of the Vineyard, many are presumed to have been established by Native Americans: Quenomica Road formerly extended to Quenomica point on the Edgartown Great Pond. Swimming Place Path dates back more than 300 years. The narrow recessed tracks along some of these ways are visual reminders of the Island's past. To the extent that they can be used by the public for non-motorized travel, these ways provide opportunities for people to enjoy the outdoors.

***2. What are the problems associated with the uncontrolled or inappropriate development of the area?***

Portions of each of these ways are either used by very few motor vehicles, or – as in the case Dunham's Path – have been completely subsumed by modern development. Where possible, future development of the several large tracts of land bordering these ways should be encouraged to avoid using the old ways and instead use alternative means of access, which it appears most of these tracts have.

***3. What kind of development would be advantageous within the proposed district?***

Nearly all of the residential lots that border some of these ways are under one-acre in size and under the Special Ways designation would be able to have fences and yards much as they could without the designation. The remaining residential lots already are under development restrictions within at least 20 feet of the way's centerline – either from subdivision conditions or from conservation restrictions. If larger tracts of land along the ways are developed, they would provide a natural vegetative buffer within twenty feet of the centerlines.

**APPENDIX  
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 amended<sup>1</sup>, 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.

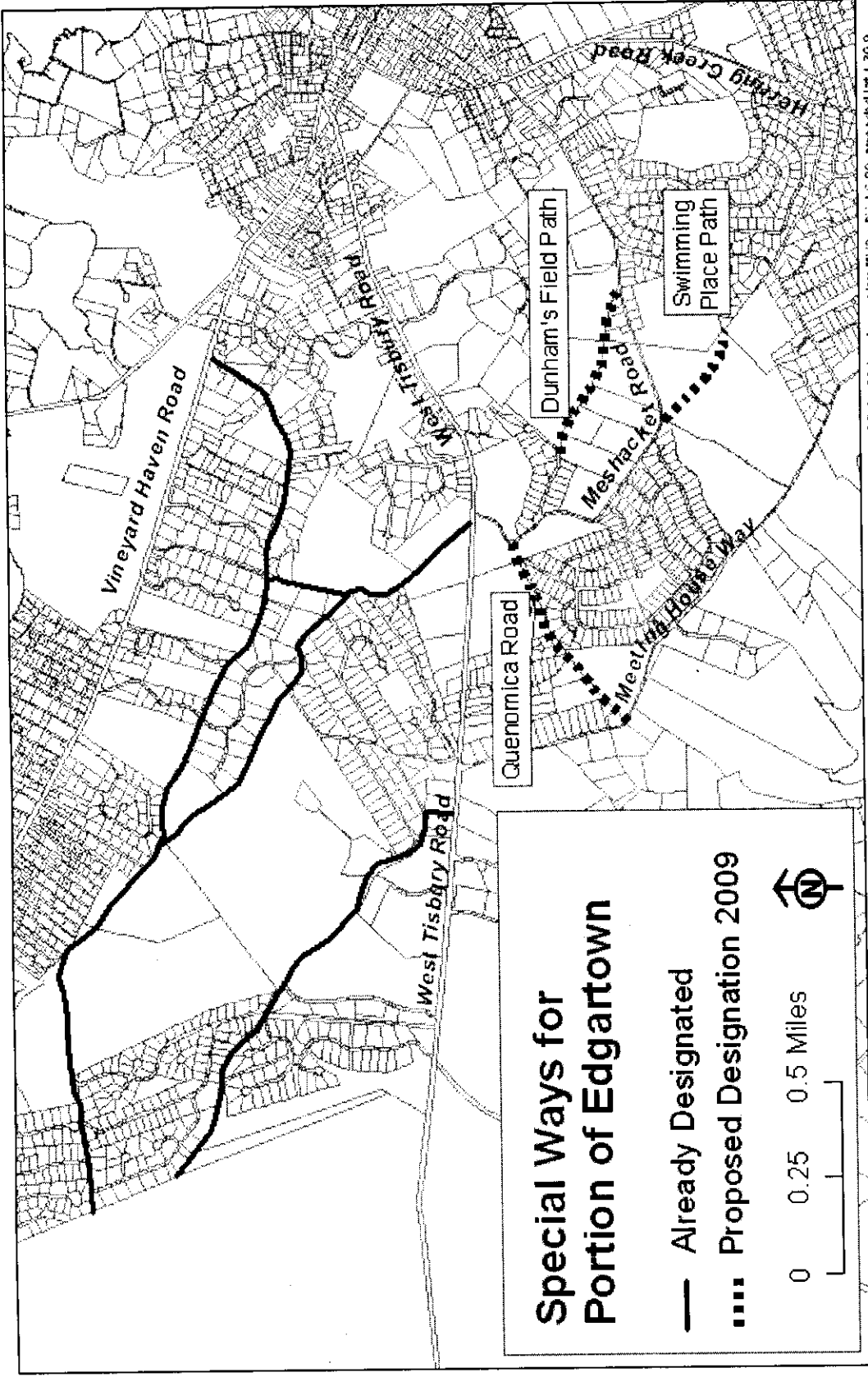
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<sup>1</sup>A major public facility is any publicly owned facility of regional importance except:

(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.”



# Special Ways for Portion of Edgartown

- Already Designated
- - - - Proposed Designation 2009



0 0.25 0.5 Miles