

Date:  
May 12th, 2016

To:  
Martha's Vineyard Commission

Re:  
Dias High Point Lane DRI 653 M

To whom it may concern,

When Mr Dias applies for a building permit in Tisbury, the Planning Board under the new bylaw 5.23 approved at Town meeting on April 12th 2016 will need to review this project for a Special Permit within the B-2 district.

During this Special Permit process it is very likely we will discuss the R.O.W. and access off High Point Lane, where we may condition the access location under 5.23.05.03.04:

"Regulation of number, design, and location of access drives, walks, or links and other traffic and pedestrian features within and through the district."

We would like to figure out how we can best coordinate the special permit process the town will undertake with the MVC review. We assume any changes he makes to the plans during the planning board review will need to return to the MVC for modification.

How can we make this the least cumbersome for the applicant?

If the MVC approves the DRI could there be a condition that will allow the LUPC to review any changes that occur during the special permit hearing and not need full commission input?

We have the following questions and concerns:

1. The use of the R.O.W. access from State Road seems less than ideal for both the property at Map 22 Lot 13.1 and Chris Dias. Both parties will need to come to an agreement on its use, maintenance, construction, materials, etc. as outlined in the offers under 3.2. Further Dias needs to limit his use of this access in 3.3 which may or may not adversely impact his business, but long term maintenance will burden his operation, something that may not be needed if he were to use Highpoint Lane. The current traffic loads on this section of State Rd. are a concern to the town, and any effort to diffuse the traffic loading onto State Rd. is a critical planning consideration.
2. The wording in 3.3 is unclear, is the intent to limit the deliveries to before or after 10AM? Also within 3.3 "occasional and unusual" is too vague and there is no ability to measure or control this particular exemption, again relying on some agreement with the abutting property.
3. In offer 2.1 the applicant offers to extinguish the R.O.W. if the service road is built, as the current proposal is drawn that would result in a ~20% slope as you come off HighPoint Lane within the first 60 ft. If this is acceptable to the applicant it calls into question the impossibility of using HighPoint Lane for access, which potentially may be engineered to be a less steep grade change within the the applicants property if access was off Highpoint Lane.

4. As stated above there is an issue with the retaining wall between the Debettencourt and Dias properties. Joe Debettencourt plans to build a retaining wall that starts at ~121 ft. elevation up to ~132 ft. elevation, resulting in a ~11 ft. tall wall. Chris Dias then will excavate to the wall and down to ~111 ft., undercutting the wall above, and resulting in a wall from ~111 ft. to ~132 ft. which is 21 ft. high.

Thanks you for your consideration,

Cheryl Doble  
Tisbury Planning Board

Ben Robinson  
Tisbury Planning Board