

Discussion and Vote – February 7, 2008

ISLAND ROAD DCPC

1. Island-Wide Guideline Amendments

2. Conformance of Proposed Amended Edgartown Regulations

Staff notes (Taylor)

Note: other helpful documents, including guidance, flow chart, etc. grouped on web calendar date <http://www.mvcommission.org/calendar.html>

1. PROPOSED AMENDMENTS TO ISLAND ROAD DISTRICT (including revisions in response to public hearing testimony)

- Section 5 V.A.1 No way or road shall be constructed within the Special Ways Zone which exceeds a width of twelve (12) feet, except that greater width may be allowed by Special Permit after approval by the Martha's Vineyard Commission as a Development of Regional Impact.
- Section 5 V.A.2 No fences, walls, or structures shall be erected, placed or constructed within twenty (20) feet of the centerline of the Special Way, except that lesser setbacks for fences or stone walls may be allowed on small abutting lots, taking into account such factors as height, transparency and materials to prevent creation of a narrow, visually confined effect; in which case the town shall demonstrate that the purpose of this guideline's intent is respected and shall determine what acreage constitutes a small lot.
- Section 5 V.B.1 Permitted Uses: Any use permitted by the applicable town zoning district, provided that the development does not result in direct vehicular access to the Special Way. However, continued vehicular use may be allowed where specifically identified by the town as routinely traveled by motor vehicles prior to nomination.

Note that the proposed amendment presented on January 31 regarding the 1,000 foot curbcut separation has been withdrawn.

Discussion: The above text includes clarifications of possible ambiguities such as were raised during the public hearing on January 31. The proposed amendment regarding the 1,000 foot curbcut separation has been dropped as unnecessary. There is sufficient leeway in the Guidelines and adequate precedent to find conformance of the proposed amended regulations while leaving the District guideline intact on that subject. (See separate matrix of findings on evolution of regulations).

2. PROPOSED AMENDMENTS TO REGULATIONS FOR EDGARTOWN SPECIAL WAYS (attached as Appendix 2):

Discussion: Should the Commission choose to amend the Island Road District guidelines as noted previously, there should be no problem with finding conformance of the proposed amended regulations. In finding conformance, the Commission may also choose to allow for clarification of details of the regulations, such as noted during the public hearing on January 31 and such as may arise during discussion on February 7.

No correspondence has been received as of February 6, 2008.

Appendices include:

- Summary of 1,000-foot curbcut separation in Island Road District guidelines and in town regulations
- Fences along Edgartown Special Ways

		Island Road District	
Summary of 1,000' curbcut separation in Island Road District and in town regulations			
		notes - Taylor - 2/4/8	
Island Road DCPC	guideline regarding 1,000'	guideline regarding overall leeway	evolution of concept
	Any additional vehicular access to the public road must be at least 1000 feet, measured on the same side of the road from any other vehicular access, unless this rule prevents at least one access to a contiguous piece of land now in separate ownership. In the latter case, that contiguous land will be allowed a single access.	In appropriate cases, after notice and a Public Hearing, the Martha's Vineyard Commission may permit a town to adopt regulations which are less restrictive than these Guidelines if the Commission finds that such regulations will carry out the purposes of the Act and intent of these Guidelines for the District.	1,000' restriction originally for Major Roads, with separate guidelines for special ways and no guidelines covering both (according to notes from the DCPC Committee, December 18, 1975, with its recommendation for the Island Road District Guidelines) - minutes from hearing and vote are missing, so we don't know how the 1000' got to cover both major roads and special ways.
town regulations			
town	variation 1,000' separation approved/imposed by Commission	variation 1,000' separation with no evidence of Commission approval	applies to special ways as well as major roads?
Aquinnah	<i>Variations from this requirement may be allowed by special permit from the Planning Board Plan Review Committee, provided safety and the visual character of the road are assured.</i>		appears to apply to both major roads and special ways (Note: All curbcuts require approval PBPRC)
Chilmark	<i>The foregoing is not to be interpreted to mean that land beyond this district can be refused a right of way over these accesses because of these regulations.</i>		no special ways (note: special ways were designated and have been recently dropped without MVC approval)

Edgartown	as imposed by MVC: <i>The Planning Board may grant a Special permit to allow accesses at a closer interval than provided herein</i>		1,000' separation apparently restricted to major roads, by numbering scheme, approved by MVC
Oak Bluffs	as imposed by MVC: <i>Board of Appeals may grant a Special Permit to allow access(es) at a closer interval than provided herein</i>		1,000' separation does not apply to special ways; as approved by MVC in Southern Woodlands DCPC
Tisbury		<i>The Board of Appeals may grant a permit to allow access(s) at a closer interval than provided herein. Applications for accesses shall be made to the Tisbury Department of Public Works.</i>	no special ways
West Tisbury		<i>The Planning Board may issue a special permit which reduces the 1,000 foot access separation requirement if the Board makes a finding that such reduction provides a significant public benefit in regard to public safety, aesthetic and/or environmental considerations and also finds that such reduced separation is in harmony with the purpose of the Roads District.</i>	1,000' restriction covers both major roads and special ways

Fences Along the Edgartown Special Ways

as of December, 2008
Bill Veno for MV Land Bank

(Units in feet)

Way	Width of Way		Fence Type	Height	Setback from Center Line
	Path	Road			
Pennywise Path	6	--	Stockade	+6	+6
	4	--	Stockade	6	7
	3	--	Split-rail & Wire	4	4
	5	--	Stockade	4	5
	--	12	Split-rail	4	8
	--	10	Wire	4	10
	--	10-12	Split-rail	4	7
	--	12	Split-rail	4	8
	--	+8	Split-rail & Wire	4	6
	--	9	Wire	6	10
	--	9	Stockade	6	12
	--	10	Split-rail (gate)	4	10
Dr. Fisher Road	3	--	Wire	4.5	8
	3	--	(Staked off)	?	8
	6	--	Wire	4	7
	6	--	Wire	4	10
	6	--	Stockade (end)	6	8