

December 2, 1975

DECISION

OF

THE MARTHA'S VINEYARD COMMISSION

RE: FRANK V. SNYDER

A Public Hearing was held on November 6, 1975 by the Martha's Vineyard Commission, at 8:45 p.m. upon Public Notice to consider the application of Mr. Frank V. Snyder for a Building Permit in the Town of Tisbury ("The Application"). The proposed development is an addition to a single-family dwelling located on Lot 18, Tashmoo Holdings, on the south side of Lake Tashmoo, Tisbury. This location is within 500 feet of Lake Tashmoo and is thus a Development of Regional Impact under Development of Regional Impact Checklist Section 1.202. The application was referred to the Commission for action pursuant to Chapter 637 of the Acts of 1974 as amended. Said application is incorporated herein by reference.

At the hearing held pursuant to said Chapter 637 and Massachusetts General Laws, Chapter 30A, Section 2, the Commission received inadequate testimony upon which to reach a decision. Subsequent to the hearing, the Development of Regional Impact Committee met with Mr. Snyder, on Friday, November 14, 1975 and discussed issues associated with his proposed development. Verbal permission was given the Commission staff to examine the site. As a result of this meeting, additional information was presented to the Commission, said information including a copy of the deed to said Lot 18; a Development of Regional Impact Field Report, prepared by Commission staff on November 19, 1975; a copy of a Moratorium Exemption form dated September 11, 1975 and signed by Frank V. Snyder; a copy of the relevant assessor's map showing the location of said lot and proposed development; a map and letter sent by L. Scott Beathrow, dated November 17, 1975, showing the location of the existing well and septic system and giving a verbal description of the septic system; plans of the proposed additions; and a letter from Rich H. Worth, dated November 20, 1975. Based on this additional information, the Commission received a verbal report and recommendation from the Development of Regional Impact Committee on December 2, 1975, which is incorporated herein.

Under Sections 15 and 16 of the Act, the Commission is required to make findings after its review of the Development. It must consider the probable benefits and detriments of the proposal. In this matter the Commission has been guided by its Policies to be Used in Considering Development Proposals Whose Impact is of a Regional Nature, adopted by the Commission on June 5, 1975 ("DRI Policy").

In Re Snyder

The Commission finds the probable benefits from the proposed development will exceed the probable detriment and that the proposal will not substantially interfere with the achievement of any general plan of Tisbury or of Dukes County. In particular, there is no immediate adjacent development, and covenants upon the deed limit further development of the site to only one other structure and vegetative screening will be maintained.

- a) An addition to a single-family dwelling in this location will fulfill DRI Policy 1.001, and preserve the rural quality of life on Martha's Vineyard.
- b) The proposed construction will not adversely affect the quality of Lake Tashmoo, and thus conform to DRI Policies 2.60, Water Resources and 2.402, Housing.

The Commission finds the proposed development is consistent with local development ordinances and by-laws to the extent it is required to, only the building permit being before it at this time. The applicant must, consistent with this decision, apply to appropriate Tisbury officers or boards for any other Development Permits which may be required.

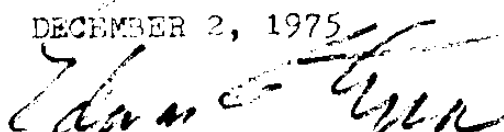
The Proposed development would have been a Section 7 exemption to the Island-wide moratorium under the Act and is thus also exempt from the moratorium imposed on the area which is under consideration by the Commission as a possible District of Critical Planning Concern, by vote of the Commission on October 23, 1975.

The Commission approves Town of Tisbury officials granting applicable Development Permits subject however to this decision and these administrative conditions:

- a) The approval given by the Martha's Vineyard Commission to the Town of Tisbury officials or boards is only for the applicant and is not transferable.
- b) This approval is contingent on the development proceeding as proposed; any substantial change in the size, bulk, or intensity of use of the proposed development as submitted with the Application shall revoke this approval.
- c) To be effective, this Decision must be filed by the Applicant in the Registry of Deeds together with appropriate title reference.

VOTED BY THE COMMISSION

DECEMBER 2, 1975


Edwin Tyra, Chairman