

THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557
617-693-3453

November 7, 1975

TO: TOWN PERMIT GRANTING AGENCIES
FROM: THE MARTHA'S VINEYARD COMMISSION
RE: DEVELOPMENT OF REGIONAL IMPACT DECISION
RE JOHN E. MacKENTY

Enclosed is the decision of the Martha's Vineyard Commission regarding the application of John E. MacKenty, which was voted upon, after Public Hearing, on November 6, 1975.

The Town has been granted approval by the Commission to grant the necessary development permits for Mr. MacKenty to proceed with the construction of a single-family dwelling. This approval carries no additional conditions, other than the following administrative conditions:

- a) The approval given by the Martha's Vineyard Commission 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.

Once all of these conditions have been fulfilled, the Town is free to process the necessary applications for development permits which Mr. MacKenty may need under local laws to proceed with the proposed construction.

Barbara Prada
Asst. Town Clerk

11/7 1975
P. M.

Barbara Prada
Asst. Town Clerk

THE MARTHA'S VINEYARD COMMISSION

RE: JOHN E. MacKENTY

A Public Hearing was held by the Martha's Vineyard Commission on November 6, 1975, at 9:30 p.m. upon Public Notice to consider the application of Mr. John E. MacKenty for a Building Permit in the Town of Edgartown ("The Application"). The proposed development is a single-family dwelling to be located on approximately 100 acres undeveloped, lying on the east side of Wintucket Cove, Edgartown. This location is within 500 feet of Edgartown Great Pond and the development 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 heard testimony from Mr. John E. MacKenty, who reviewed his proposal and expressed his views regarding the benefits of the proposal as compared to its detriments, and received other information including the plans of the proposed structure, a letter and permit application from Peter O. Bettencourt, Executive Secretary, Board of Selectmen of the Town of Edgartown, a letter from Mr. Philip J. Norton, Jr., Esq. attesting to the acquisition of title of the property, and a Moratorium Exemption form, dated August 30, 1975, and a copy of the deed to said lot appended thereto.

The Commission also received the report and recommendation from the Development of Regional Impact Committee dated November 6, 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").

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 Edgartown or of Dukes County. In particular, there is no immediate adjacent development and the applicant stated he has no immediate plans for further

IN RE MacKENTY

development.

- a) A single-family dwelling in this location and in the absence of adjacent high-density dwellings would fulfill DRI Policy 1.001, and preserve the rural quality of life on Martha's Vineyard.
- b) The building of this structure at this time will aid in the promotion of sound local economies, pursuant to DRI Policy 2.10, Economic Development.
- c) The proposed construction in this large-acreage location will preserve open space and air and water quality and thus conform to DRI Policy 2.402, Housing.
- d) The proposed development will not conflict with DRI Policy 2.60, Water Resources, because of the lack of adjacent dwellings which may lead to a possible cumulative pollution effect on the nearby Great Pond; it is consistent with DRI Policy 2.50, Rate of Growth.

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 Edgartown officers or boards for other Development Permits required.

The proposed development would have been a Section 7(c) exemption to the Island-wide moratorium under the Act and is thus also exempt from the moratorium imposed on this 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 suggests the proposed Sanitary Disposal facilities be relocated a greater distance from the Edgartown Great Pond than shown on the Application so as to forestall any potential pollution problems.

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

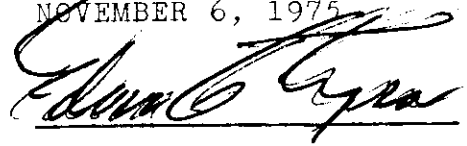
- a) The approval given by the Martha's Vineyard Commission is only for the applicant and is not transferable.
- b) This approval is contingent on the development proceeding as proposed; any substantial change in the size, bulk, or intensity of use of the proposed development as submitted with the Application shall revoke this approval.

IN RE MacKENTY

- 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

NOVEMBER 6, 1975

A handwritten signature in cursive script, appearing to read "Edwin Tyra", written over a horizontal line.

Edwin Tyra, Chairman