

THE MARTHA'S VINEYARD COMMISSION 3

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 CURTIS L. AND JEAN ANN COLLISON

Enclosed is the decision of the Martha's Vineyard Commission regarding the application of Curtis L. and Jean Ann Collison 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 the Collisons' proposed 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 the development permits which the Collisons may need under local law to proceed with the proposed construction.

Edgartown, Mass.
Town Clerk's Office

11/2 1975
Rec'd for record
at 1 P.M. P.S.

Barbara Prada
asst. Town Clerk

November 6, 1975

DECISION

OF

MARTHA'S VINEYARD COMMISSION

RE: CURTIS L. AND JEAN ANN COLLISON

A Public Hearing was held by the Martha's Vineyard Commission on November 6, 1975 at 8:00 p.m. upon due Public Notice to consider the application of Curtis L. and Jean Ann Collison for a Building Permit. The application for the proposed development is for a single family dwelling on Lot #337, Edgartown Bay Road, Katama, Edgartown. This location is within 500 feet and below 10 foot elevation above mean sea level and the development is thus a Development of Regional Impact under the 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 Curtis L. Collison and Robin Brady, of Edgartown, Massachusetts and received other information including plans of the proposed structure, maps of the general area, and specific assessor's maps (Sheet 51, showing the lot measuring 150 feet by 168 feet, and marked lot 17), a letter from Peter O. Bettencourt, Executive Secretary, Town of Edgartown, a letter from Mr. Collison, dated October 20, 1975, and a Moratorium Exemption form, dated September 17, 1975, with 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, although this area may be a location which may be subject to flood hazards, the Commission finds that the benefits of the proposed construction will outweigh the detrimental impacts.

IN RE COLLISON

- a) The dwelling is to be used for year-round housing and will help meet the housing needs of Island residents, conforming to DRI Policy 2.40.
- b) The dwelling will conform to the surrounding growth pattern of other single-family dwellings already existing within an established subdivision. Permitting further development within this subdivision at this time and for this structure will not conflict with the Rate of Growth DRI Policy 2.50.
- c) Construction of this structure at this time will aid in the promotion of sound local economies, pursuant to Policy 2.10, Economic Development.

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 and boards for other Development Permits required.

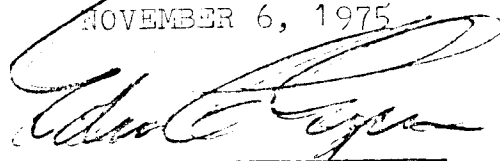
The proposed development would have been a Section 7(c) exemption to the Island-wide moratorium under the Act and is thus also exempt from the moratorium imposed on this area which is under consideration by the Commission as a possible District of Critical Planning Concern, by vote of the Commission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

The Commission approves Town of Edgartown officials granting applicable Development Permits for this proposal subject to this decision and subject to 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.
- 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



Edwin Tyra, Chairman

THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557
617-693-3453

January 22, 1976

TO: Building Inspector, Town of Edgartown

FROM: Martha's Vineyard Commission

SUBJECT: Amendment of the development of regional impact Decision of the Martha's Vineyard Commission: Re Curtis L. and Jean Ann Collison, adopted by the Commission on November 6, 1975.

APPLICANT: Curtis L. and Jean Ann Collison

AMENDMENT OF A DEVELOPMENT OF REGIONAL IMPACT DECISION

The Decision of the Martha's Vineyard Commission: Re Curtis L. and Jean Ann Collison, adopted by vote of the Commission on November 6, 1975 has been amended by vote of the Commission on January 16, 1976. The amendment of this Decision was adopted pursuant to Chapter 637, Acts of 1974, as amended, and pursuant to a public hearing held on January 16, 1976 at 5:00 p.m. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts, said hearing held after due public notice.

At the hearing, the Commission was presented evidence concerning the application of the applicant for a single-family residence, the construction of which involved a substantial change from the plans originally submitted with the application in the initial Decision of the Martha's Vineyard Commission, adopted on November 6, 1975. This substantial change in building height resulted in the original Decision approval to the Town of Edgartown permit-granting agencies being revoked, as per Condition (b) of the Decision. The evidence presented included testimony by Terrence McCarthy, Esq., and Sanford Evans, and also other information including a letter addressed to Mr. McCarthy from Robert Stafford, Mason Contractor and dated January 7, 1976; a site plan of the general area prepared by Commission staff; and two Polaroid photographs of the site, marked "Collison 12/30/75".

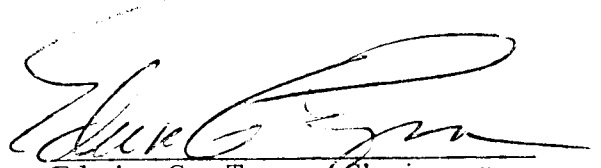
Based on this information, and a Development of Regional Impact Committee recommendation given the Commission, the Commission, voted to amend the original Decision of the Martha's Vineyard Commission Re: Curtis L. and Jean Ann Collison, adopted November 6, 1975 by adding an additional condition to the Decision:

- d) Any structure erected on said site shall not exceed a height of thirty-feet, six inches, as measured from nearest natural ground level adjacent to the south east corner of the main building to the highest point of the roofline of said structure.

Upon adoption of this amendment by the Commission, the town permit granting authorities are given approval by the Martha's Vineyard Commission to grant the necessary development permits to allow Mr. and Mrs. Collison to proceed with the construction of the single-family residence. Any substantial change in the size, height, bulk or intensity of the use of this structure under this amended Decision will again revoke the Commission's approval, as per Condition (b) of the original Decision, adopted on November 6, 1975. The applicant is granted approval by the Martha's Vineyard Commission to increase the height of his proposed structure to thirty-feet, six inches, as per Condition (d) of this Amendment.

VOTED BY THE COMMISSION

January 22, 1976



Edwin G. Tyra, Chairman