

# THE MARTHA'S VINEYARD COMMISSION

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November 21, 1975

To: Town Permit Granting Agencies  
From: The Martha's Vineyard Commission  
Subject: Development of Regional Impact Decision  
Re Allan McDowell, Jr.

Enclosed is the Decision of the Martha's Vineyard Commission regarding the application of Allan McDowell, Jr. which was voted on, after Public Hearing, on November 13, 1975.

The Town has been granted approval by the Commission to grant the necessary development permits for Mr. McDowell's proposed construction of an addition to a single-family dwelling.

This approval carries additional conditions besides 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 Applicant may need under local law to proceed with the proposed construction.

November 20, 1975

DECISION

OF

THE MARTHA'S VINEYARD COMMISSION

RE: ALLAN MCDOWELL, JR.

A Public Hearing was held by the Martha's Vineyard Commission on November 13, 1975, at 9:00 p.m. upon Public Notice to consider the application of Mr. Allan McDowell, Jr. for a Building Permit in the Town of West Tisbury ("The Application"). The proposed development is a large addition to a single family dwelling on Middle Point, Tisbury Great Pond, in West Tisbury. This location is within 500 feet of the ocean 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. McDowell, 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, and a Moratorium Exemption Form, dated October 5, 1975, a copy of the deed appended thereto, and maps of the area and the specific site.

The Commission also received the report and recommendation from the Development of Regional Impact Committee dated November 13, 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 West Tisbury or of Dukes County. In particular, although the proposed additions lie within a potential flood hazard area, the benefits of the proposed construction outweigh the detrimental impacts:

- a) This construction conforms to the rural quality of life and thus conforms to General DRI Policy 1.001.
- b) The proposed construction is felt not to be deleterious to the water quality and thus conforms to Policy 2.60, Water Resources, and Policy 2.402, Housing.

- c) Construction as proposed will not be deleterious to the visual quality of the area and would thus conform to DRI Policy 2.90, Visual Quality.

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 West Tisbury officers or boards for other Development Permits required.

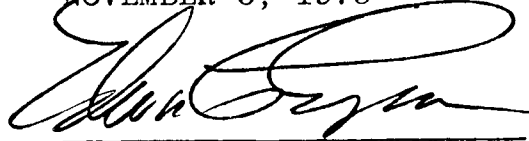
The proposed development would have been a Section 7(a) and 7(c) exemption to the Island-wide moratorium under the Act and is thus also exempt from the moratorium imposed on this area which is under consideration by the Commission as a possible District of Critical Planning Concern, by vote of the Commission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

The Commission approves Town of West 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 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) The granting of approval is contingent upon a review of the proposed connection of the additional bathroom facilities to the existing septic system by the West Tisbury Board of Health, and approval by such Board of Health to the permit-granting agencies of the Town of West Tisbury.
- 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