

# THE MARTHA'S VINEYARD COMMISSION

BOX 1447  
OAK BLUFFS  
MASSACHUSETTS  
02557  
617-693-3453

DATE: February 1, 1979  
TO: Planning Board, Town of Oak Bluffs  
FROM: Martha's Vineyard Commission  
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION  
RE: RESIDENTIAL SUBDIVISION, PRELIMINARY PLAN  
APPLICANT: Farm Neck Associates

-----

## SUMMARY

The Planning Board of the Town of Oak Bluffs is advised that the Martha's Vineyard Commission finds that the benefits of the development proposal outweigh the detriments and that the applicant should continue the development process in a manner consistent with the preliminary plan submission. This approval with the recommendation contained herein was by vote of the Commission on January 25, 1979. The Town Planning Board may approve the development proposal and may, if authorized by local development ordinances and by-laws, place additional conditions upon or disapprove the development application.

DECISION OF THE MARTHA'S VINEYARD COMMISSION

A Public Hearing was held on January 11, 1979 by the Martha's Vineyard Commission (the "Commission") at 8:00 p.m. at the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA upon public notice to consider the application of Farm Neck Associates (the "Applicant") for a residential subdivision approval in the Town of Oak Bluffs (the "Application"). The proposed development is for the division of 411<sup>+</sup> acres into 51 residential lots, public golf course, and undeveloped open space, as shown on a plan entitled "Farm Neck - Preliminary Subdivision Plan, Robert Kendall - Designer, Farm Neck Associates - Owner, November 17, 1978, scale 1"=100'." This proposal proposes to divide a contiguous ownership of land into 10 or more lots and is thus a Development of Regional Impact under the Criteria and Standards, Development of Regional Impact 3.203. This application was referred to the Commission for action pursuant to Chapter 831, Acts of 1977 (the "Act").

Said application and notice of public hearing are incorporated herein.

This application in its entirety is within a District of Critical Planning Concern, the Sengekontacket Pond District, and subject to all applicable regulations adopted and approved by the Martha's Vineyard Commission on March 3, 1977. The application is also in part within two other Districts of Critical Planning Concern, the Coastal District and the Island Road District, and subject to all applicable regulations adopted and approved by the Martha's Vineyard Commission on December 21, 1976.

On January 11, 1979 the Hearing was held pursuant to the Act and Massachusetts General Laws, Chapter 30A, Section 2, and was chaired by Marc Widdiss, Acting Chairman of the Commission's Land Use Planning Committee. Mr. Widdiss opened the Public Hearing and read the public notice. David Thompson, staff member of the Commission, delivered a presentation concerning the development of the locus. The proposal lies within the area subject to supreme Judicial Court of the Commonwealth Decision, Island Properties, Inc., Trustee vs. Martha's Vineyard Commission. There was a call

for proponents. Mr. Robert Kendall, designer of the proposal, addressed the Commission concerning the features and association, as well as the open space. Questions raised concerned the trail system, coastal district requirements, design considerations, Town access, water quality, golf course drainage, development rights, the use of fertilizers, golf course use and ownership. Mrs. Linda Marinelli presented a letter of testimony which was read before the Commission. Said testimony is incorporated herein in its entirety. Mrs. Marinelli is an abuttor and owner of a small fish processing business and raised questions regarding a proposed path which abuts her property and potential land use conflicts such as odor and noise.

There was a call for opponents. There were none. There was discussion and no further testimony. The Hearing closed.

On Thursday, January 18, 1979 the matter of approval of the application was placed on the Commission's agenda. At the meeting the Commission discussed water quality issues; previous discussions during the week between the staff and Mr. Kendall considered low and moderate income lots and the use of Island labor during

construction. The Commission did not make a finding due to inclement weather and the lack of a quorum. The matter of approval was placed on the Commission's agenda of January 25, 1979.

Under the Act, the Commission is required to make findings after its review of the development proposal. It must consider the probable benefits and detriments of the proposal. In this matter the Commission has considered each factor enumerated in these sections of the Act and has considered its Information for Evaluation of Large Scale Residential Developments together with the information presented at the Public Hearing.

The Commission finds that the probable benefits, with the recommendation contained herein, of the application will exceed the probable detriments.

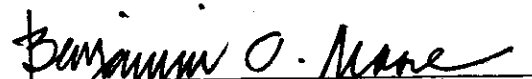
The Commission considered the recommendation of the staff of the Commission on January 25, 1979 and places the following approval and recommendation upon the development approval:

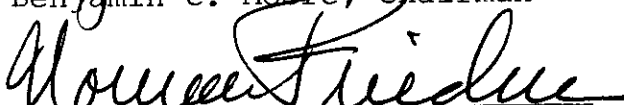
THAT THE COMMISSION FINDS THAT THE BENEFITS OF THE DEVELOPMENT PROPOSAL OUTWEIGH THE DETRIMENTS, AND THAT THE APPLICANT SHOULD CONTINUE WITH THE DEVELOPMENT PLANNING PROCESS CONSISTENT WITH THE PRINCIPLES SET FORTH IN THE PRELIMINARY PLAN SUBMISSION, EXCEPT THAT ADEQUATE OPPORTUNITIES BE CONSIDERED FOR LOW AND MODERATE INCOME LOTS, AND RECOMMEND THE USE OF ISLAND LABOR DURING DWELLING CONSTRUCTION.

The Commission approves the Town of Oak Bluffs Officials granting applicable Preliminary Plan approval, but that any Definitive Plan which evolves from this plan under this decision will be reviewed by the Commission in the ordinary manner.

This decision is written consistent with the VOTE OF THE COMMISSION:

January 25, 1979

  
Benjamin C. Moore, Chairman

  
Notary Public



2/23/79  
DATE