

THE MARTHA'S VINEYARD COMMISSION

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January 8, 1976

To: Building Inspector and Board of Health of
the Town of Edgartown

From The Martha's Vineyard Commission

Subject: Development of Regional Impact Decision
re Mansfield Grant

Applicant: Mansfield Grant

SUMMARY

The Town permit-granting agencies have been granted approval by the Martha's Vineyard Commission to grant the necessary development permits for the construction of a single-family residence and installation of a sanitary disposal facility in the Town of Edgartown. This approval was by vote of the Commission on November 20, 1975 and is contingent upon the conditions contained within this Decision. Development must proceed within one year of the issuance of this approval, or else new approval from the Martha's Vineyard Commission will be necessary.

DECISION OF

THE MARTHA'S VINEYARD COMMISSION

RE: MANSFIELD GRANT

A Public Hearing was held by the Martha's Vineyard Commission on November 13, 1975 at 10:00 p.m. upon due public notice to consider the application of Mansfield Grant for a Building Permit and Sanitary Disposal Facility Construction Permit ("The Application"). The proposed development is for a single-family residence and a sanitary disposal system, the premises shown on a plan entitled, "Plan of Land in Edgartown, Mass. Property of Mansfield D. Grant, Scale 1"=40', November 26, 1975, Schofield Brothers, Inc., Reg'd Land Surveyors, State Road, Vineyard Haven, Mass." This location is within 500 feet of Sengekontacket Pond and is thus a Development of Regional Impact under the Development of Regional Impact Checklist Section 1.202. This application was referred to the Commission for action pursuant to Chapter 637, Acts of 1974 as amended. Said application is incorporated herein by reference.

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 and Septic Installation Permits being before it at this time. The applicant must, consistent with this Decision, apply to appropriate Edgartown officers and boards for any 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 development and administrative conditions:

- 1) That separate sanitary disposal facilities of appropriate design be located in the area lying between the existing structure and the Boulevard; and
- 2) That the proposed structure and the existing structure both use these new sanitary disposal facilities; and
- 3) That any water discharged as a result of a sump pump or washing machine be connected to an adequate disposal system; and
- 4) That the present well be relocated a sufficient distance from the new sanitary disposal facility to comply with all local regulations in force within the Town of Edgartown; and
- 5) That the height of the proposed dwelling not exceed a height of twenty-three (23) feet, as measured from the average natural ground level immediately around the present structure to the highest point of the proposed structure; and
- 6) That there be no further construction of any additional dwellings or guest houses upon the property; and
- 7) 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.

This Decision shall not be effective until recorded at the Dukes County Registry of Deeds (or filed at the Dukes County Registry District of Land Court, in the case of registered land), and indexed in the grantor index under the names of the Martha's Vineyard Commission and the Town of Edgartown, respectively, and the name of the

At the hearing held pursuant to said Chapter 637 and Massachusetts General Laws, Chapter 30A, section 2, the Commission received testimony from Mr. Mansfield Grant and received other information, including plans of the proposed structure, maps of the general area, and specific assessors maps, and a copy of a Moratorium Exemption Form, signed by Mr. Grant.

The Commission also received the report and recommendation from the Development of Regional Impact Committee, dated November 13, 1975, and a staff Development of Regional Impact Field Report and site plan, dated November 10, 1975, both of which are 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 probably 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 Policies").

The Commission finds that 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, and there may be a possibility of effluent discharge derived from surrounding intensive development which may affect the water quality and the shellfishing potential of adjacent Sengekontacket Great Pond, the benefits of the proposed construction will outweigh the detrimental impacts, provided that there is compliance with the conditions which are part of this determination.

- 1) The dwelling is to be used as year-round housing and will help meet the housing needs of Island residents, conforming to DRI Policy 2.40.
- 2) 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.
- 3) Construction of this structure at this time will aid in the promotion of sound local economies, pursuant to DRI Policy 2.10, Economic Development.
- 4) This dwelling will not adversely affect the water quality policy, DRI Policy 2.60, Water Resources, provided that the development conditions are complied with by the applicant.

Applicant, and in the grantor index under the names of the Martha's Vineyard Commission and the Applicant.

Upon completion of the development proposed by the Applicant under this Decision, the Applicant shall apply to the Town of Edgartown for a certificate evidencing compliance with Condition N. of this Decision. This certificate of compliance, when approved by the town permit-granting agency, shall be approved by the Martha's Vineyard Commission and shall be filed at the Dukes County Registry of Deeds (or filed at the Dukes County Registry District of Land Court, in the case of registered land) and shall constitute conclusive evidence of such compliance in favor of all persons relying thereon.

VOTED BY THE COMMISSION

NOVEMBER 20, 1975

Edwin Tyra, Chairman