

8375-75

# THE MARTHA'S VINEYARD COMMISSION

BOX 1447  
OAK BLUFFS  
MASSACHUSETTS  
02557  
617-693-3453

DATE: August 14, 1980

TO: Planning Board of the Town of West Tisbury

FROM: Martha's Vineyard Commission

SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION  
RE: RESIDENTIAL DEVELOPMENT

APPLICANT: Leona Baumgartner Langmuir, c/o Vineyard Open  
Land Foundation

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## SUMMARY

The Planning Board of the Town of West Tisbury is granted approval by the Martha's Vineyard Commission to grant the necessary development permits for the Applicant's residential subdivision. This approval with the condition contained herein was by vote of the Commission on August 14, 1980. 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 August 14, 1980 by the Martha's Vineyard Commission (the "Commission") at 8:30 p.m. at the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts, upon public notice to consider the application of Leona Baumgartner Langmuir, c/o Vineyard Open Land Foundation (the "Applicant") for a residential subdivision approval in the Town of West Tisbury (the "Application"). The proposed development is for the division of 103<sup>+</sup> acres into 5 lots as shown on a plan entitled "A Plan of Land in West Tisbury, Mass., Surveyed for Leona Baumgartner Langmuir, July 14, 1980, at a scale of 1" = 100', by Dean R. Swift, Registered Land Surveyor, Vineyard Haven, Mass." The Applicant proposes to divide a contiguous ownership of more than 30 acres into 4 or more lots and is thus a Development of Regional Impact under the Criteria and Standards, Development of Regional Impact, Section 3.201. The Application was referred to the Commission for action pursuant to Chapter 831, Acts of 1977, as amended

(the "Act"). Said application and notice of public hearing are incorporated herein.

On August 14, 1980, the Hearing was held pursuant to the Act and the 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 read the legal notice and opened the Public Hearing. Ron Mechur of the Vineyard Open Land Foundation, representative for the Applicant, delivered a presentation concerning the development and answered questions. He indicated that this plan was the first phase of a two-phase development on this property. To put this first phase in proper perspective, he briefly discussed the nature of the second phase and the open space and other concerns addressed overall. There was a call for proponents.

James Alley, former owner of a horse farm adjacent to this property, gave some history and felt that it had been well thought out. Ben Moore, Commission Chairman and Land Use Planning Committee member, felt that the various alternatives had been well-considered and that the plan was sensitive to the concern for this well-known roadside vista. There was a call for opponents.

Mr. Zachary Zandler, resident living near the proposed development, expressed approval for the proposed second phase of the plan but was opposed to the present phase. He stated that the sites would intrude greatly on the views of the open meadow, that the proposal would further "suburbanize" the development along Old County Road, and that the houses would be subject to noise, lights, fumes, etc., due to their proximity to the road. A letter was read from the West Tisbury Planning Board stating their concern over above-ground utilities and the siting of a house on lot #4. There was no further testimony, and the hearing was closed.

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 this information presented at the Public Hearing.

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The Commission finds that the probable benefits, with the condition contained herein, of the Application will exceed the probable detriments and will not interfere substantially with the achievement of any general plan of the Town of West Tisbury or of Dukes County, or violate any local development ordinances or by-laws.

The Commission finds that the development proposal will be more beneficial than detrimental when compared to alternative manners of development or development occurring in alternative locations.

The Commission has considered the question of the siting of the houses and is convinced that the applicant has spent considerable time and effort to achieve a satisfactory end. However, in the interest of assuring that future construction be in keeping with the concept presented, the Martha's Vineyard Commission places the following condition, agreed to by the Applicant, upon the development approval:

THAT RESIDENTIAL BUILDINGS BE RESTRICTED TO THE ROAD  
DISTRICT FOR LOTS TWO (2) AND THREE (3).

The majority of the open meadow will be preserved in perpetuity and significant roadside views are preserved. The question of utilities has already been resolved, the applicant having agreed previous to the hearing to place them underground.

The Commission finds that the proposed development is consistent with local ordinances and by-laws to the extent it is required to, only the application being before it at this time. The Applicant must, consistent with the Decision, apply to appropriate Town of West Tisbury officers or boards for any other development permits which may be required together with any other development permits required by law.

The Commission approves the Town of West Tisbury officials granting applicable development permits.

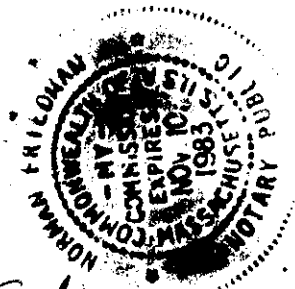
This decision is written consistent with the VOTE OF THE COMMISSION.

August 14, 1980.

Benjamin C. Moore  
Benjamin C. Moore, Chairman

Norman Friedman  
Notary Public

my commission expires: 11/10/83



Sept 5, 1980  
date

Edgartown, Mass. Sept 8 1980  
at 12 o'clock and 15 minutes P M  
Received and entered with Dukes County Deeds  
book 375 Page 875.

Attest: Suzerly W. King  
Register