

THE MARTHA'S VINEYARD COMMISSION

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DATE: November 13, 1980

TO: Planning Board of the Town of West Tisbury

FROM: Martha's Vineyard Commission

SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION
RE: RESIDENTIAL SUBDIVISION

APPLICANT: Richard L. Berry

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 in accordance with the conditions contained herein. This approval was by vote of the Commission on November 13, 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 November 13, 1980 by the Martha's Vineyard Commission (the "Commission") at 8:00 p.m., at the West Tisbury Town Hall, West Tisbury, Massachusetts, upon public notice to consider the application of Richard L. Berry (the "Applicant") for a residential subdivision approval in the Town of West Tisbury (the "Application"). The proposed development is for the division of 43⁺ acres into 8 (eight) lots as shown on a plan entitled "A Plan of Land in West Tisbury, Mass., Surveyed for Richard L. Berry, August 11, 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 land into 10 or more lots and is thus a Development of Regional Impact under the Criteria and Standards, Development of Regional Impact, Section 3.201. The Applica-

tion 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 November 13, 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. Michael Wild, Executive Director of the Commission, gave a brief presentation of the subdivision proposal followed by a slide presentation presented by staff member Jim Muth. Dean R. Swift, representing the applicant, discussed lot sizes and future use intended for the lots within the subdivision plan. There was a call for proponents. There were no further proponents. There was a call for opponents. Carleton Parker, an abuttor to the subdivision and member of the West Tisbury Planning Board, speaking not in opposition to the plan, expressed an interest in restrictions regarding future re-

subdivision of the lots. This concern was linked to traffic impacts on Cedar Tree Neck Road which provides public access to the popular Cedar Tree Neck Sanctuary. Mr. Berry responded explaining his past actions and general concerns regarding the development and future use of his land holdings in the area. Mr. Berry mentioned that the lots within the plan do not lend themselves to re-subdivision with the possible exception of Lot 9. There were no opponents. Mr. Widdiss read into the record a letter from Mrs. Elinor Moore Irvin, an abutter, and the minutes of the West Tisbury Planning Board hearing concerning the Berry subdivision held October 27, 1980 at the West Tisbury Town Hall. Mr. Widdiss also presented various recommendations of the Commission's Land Use Planning Committee and traffic generation figures obtained from the Sheriff's Meadow Foundation. There was further discussion regarding the physical constraints of the area relative to re-subdivision. 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.

The Commission finds that the probable benefits 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 a buffer strip along Cedar Tree Neck Road and of additional access ways along Cedar Tree Neck Road. In order to maintain the existing character of the public access to Cedar Tree Neck Sanctuary and to assure the public safety along said way, the Commission sets the following conditions:

1. THAT A 100' BUFFER ZONE BE PROVIDED ALONG THE CEDAR TREE NECK ROAD WITHIN THE BOUNDARY OF THE PROPERTY, SAID SET-BACK FOR THE ZONE TO BE MEASURED FROM THE CENTERLINE OF THE CEDAR TREE NECK ROAD AND SAID VEGETATION TO BE LEFT IN ITS NATURAL STATE WITH THE EXCEPTION THAT VEGETATION MAY BE REMOVED IF SOLELY FOR THE PURPOSES OF HOUSE SITING AND PUBLIC OR PRIVATE ACCESS OR IF SAID VEGETATION IS DEAD, DISEASED, OR OTHERWISE CREATES A SAFETY HAZARD.
2. THAT EACH LOT SUBDIVIDED ALONG THE CEDAR TREE NECK ROAD AS ILLUSTRATED IN THE PRESENT PLAN, BE LIMITED TO A SINGLE NEW ACCESS OR DRIVEWAY ENTRANCE, AND SHOULD ANY LOT BE RE-SUBDIVIDED IN THE FUTURE, THAT EACH NEWLY CREATED LOT SHALL SHARE EXISTING DRIVEWAYS OR EXISTING ACCESS WAYS FROM THE CEDAR TREE NECK ROAD.

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:

November 13, 1980.

Benjamin C. Moore
Benjamin C. Moore, Chairman

Marcus Friedman
Notary Public

12/8/80
date

my commission expires: 11/10/83

Edgartown, Mass. December 10 1980
at 3 o'clock and 30 minutes PM
Received and entered with Dukes County Deeds
book 377 Page 863

Attest: Suzerly W. King
Registrar